



LUBUSKI BOARD OF AMELIORATION
AND HYDRAULIC STRUCTURES IN
ZIELONA GÓRA



ODRA-VISTULA FLOOD MANAGEMENT PROJECT - 8524 PL
RAP – LAND ACQUISITION AND RESETTLEMENT
ACTION PLAN

SUB-COMPONENT 1C *Flood Protection of Słubice city*

Contract 1C.1

Extension and construction of flood embankments and Reconstruction of Czarny Kanał and Racza Struga



Issue	Date	By	Signature	Client's Approval
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1 List of abbreviations used in the document

1C.1	Sign of Contract/Task - <i>Extension and construction of flood embankments and Reconstruction of Czarny Kanał and Racza Struga</i>
World Bank (WB)	International Bank for Reconstruction and Development
PCU	Project Coordination Unit
Joint Venture (Consortium)	Joint Venture Sweco Consulting Sp. z o.o./ Sweco Nederland B.V./ Artelia Ville & Transport SAS/Artelia Sp. z o.o./EKOCENTRUM Sp. z o.o.
PIU	Project Implementation Unit – Lubuski Board of Amelioration and Hydraulic Structures in Zielona Góra
PIU/Investor	Lubuskie Voivodeship - Lubuski Board of Amelioration and Hydraulic Structures in Zielona Góra
Consultant/Engineer	Consultant/Engineer for Lubuski Board of Amelioration and Hydraulic Structures in Zielona Góra
Contract/Task	Works Contract 1C.1 <i>Extension and construction of flood embankments and Reconstruction of Czarny Kanał and Racza Struga</i>
APC	Administrative Proceedings Code - Act of 14 June 1960 (consolidated text, Journal of Laws of 2013 item 267, as amended)
LARPF	Land Acquisition and Resettlement Policy Framework
LZMiUW	Lubuski Board of Amelioration and Hydraulic Structures in Zielona Góra (<i>Lubuski Zarząd Melioracji i Urządzeń Wodnych</i>)
NBP	National Bank of Poland (<i>Narodowy Bank Polski</i>)
NGO	Nongovernmental Organization
Structure	A material scope allocated in terms of functions, which constitutes a part of Task 1C.1 <i>Extension and construction of flood embankments and Reconstruction of Czarny Kanał and Racza Struga</i>
EA	Environmental Assessment
OP 4.12	The designation of the document containing the rules for involuntary resettlements required for co-funding of the Task with the World Bank's loan – Operational Policy 4.12 – Involuntary Resettlements.
PAP	Project Affected Person(s)
IPIP	Investment Project Implementation Permit
RAP	Land Acquisition and Resettlement Action Plan

Project	<i>Odra-Vistula Flood Management Project</i>
Special Flood Act	The Act of 8th July 2010 on special principles of preparation and execution of flood prevention constructions investments (consolidated text, Journal of Laws of 2015, item 966, as amended)
RPM Law	The Act of 21st August 1997 on real property management (consolidated text, Journal of Laws of 2014, item 782)
FAG Law	The Act of 13th December 2013 on family allotment gardens (consolidated text, Journal of Laws of 2015, item 528)
Contractor	Company or public body realizing Contract 1C.1 <i>Extension and construction of flood embankments and Reconstruction of Czarny Kanał and Racza Struga</i>

1.1 KEY DEFINITIONS

The following key definitions are used herein:

Real property price – an amount negotiated with the real property owner to its benefit for a respective real property or any part thereof, based on the value of the said real property estimated by an authorised real property appraiser.

Economic resettlement – loss of benefits, incomes or maintenance means resulting from the repurchase or access hindrances (to the land, water or forest), occurring as a consequence of the construction or operation of the designed structures or related installations.

Groups requiring the provision of special assistance – people who due to their: sex, ethnic membership, age, mental or physical disability, difficult material situation or social position are more exposed to adverse resettlement effects than other groups and who may have a limited possibility of submitting their complaints or using assistance in resettlement or participating in the benefits connected with the investment.

Resettlement cost – extent of compensation for lost goods/real properties, covering a replacement value of such goods/real properties as well as resettlement performance costs.

Compensation – paid in money or in the form of a real property which is a substitute for real properties acquired or affected by the Project. Such compensation is disbursed while a respective real property must be released by the owner to the investor. Pursuant to Polish law, compensation within this scope, can be disbursed since expropriation decision becoming final and in all the cases – prior to the acquisition of such real property and its occupation for construction purposes.

OP 4.12 Involuntary resettlements – Operational Policy outlining main principles and procedures, forming a basis of WB approach to involuntary resettlements connected with investments projects.

Project affected person – every person who, as a result of the project implementation, is deprived of the right of ownership or loses other benefits connected with the infrastructure held (residential, agricultural or breeding), loss of annual or multiannual harvests and crops or other related or moveable assets, in whole or in part, permanently or periodically.

Involuntary resettlement – a resettlement is involuntary when it is carried out without the consent of a person being resettled (against their will) or as a result of expressing such consent involuntarily (without a possibility of expressing their objections towards resettlement), e.g. through expropriation.

Expropriation - consists in depriving of or restricting an ownership right, which a respective person is entitled to concerning a specific real property under an individual legal act.

Purchase / Voluntary sales – a transaction of a charged acquisition of a right to a real property from its owner / possessor for a price mutually agreed in a situation where such an owner has the right to refuse such a transaction. In the event of an expropriation, such a purchase is not deemed voluntary (i.e. willing purchaser / willing seller).

Replacement value - Compensation for the loss of assets is based on their market value plus any transaction costs (e.g. taxes and registration fees) and the objective is for the compensation to be enough to effectively replace the affected asset (replacement value). This valuation does not discount depreciation.

2 Introduction

This document presents the Land Acquisition and Resettlement Action Plan (RAP) for Contract 1C.1 **Extension and construction of flood embankments and Reconstruction of Czarny Kanał and Racza Struga** implemented as part of the Odra-Vistula Flood Management Project (OVFMP) co-financed by IBRD (World Bank) and the State Budget. It must be underlined that this document is a “site-specific” document and it is dedicated only to Contract 1C.1 and not the entire OVFMP.

The main objective of the OVFMP is to protect the population on the flooded areas within certain parts of the river basins of the largest two Polish rivers, which are the Vistula River and the Odra River, against extreme flooding. The OVFMP consists of the following three Components: Component 1 – Middle and Lower Odra River, Component 2 – Kłodzko Valley covering the mountain and upland part of Nysa Kłodzka Catchment Area and Component 3 – Upper Vistula River. The above specified components are divided into Subcomponents. As part of Component 3, there are four Subcomponents marked as 3A (Flood protection of Upper Vistula towns and Kraków), 3B (Flood Protection of Sandomierz and Tarnobrzeg), 3C (Passive and Active Protection in Raba Sub-basin) and 3D (Passive and Active Protection in San basin) – wording in accordance to the following document: "Odra-Vistula Flood Management Project" available at:

http://www.odrapcu.pl/doc/OVFMP/Resettlement_Policy_Framework.pdf

This RAP was developed after obtaining by the Investor the legal title to the properties. Currently, the situation of acquiring properties for the needs of the investment looks as follows (as of 30.03.2017):

	Total Hectares Required	Total Plots	Public Plots	%	Private Plots	%	Physical displacement	Economic displacement
Permanent Occupation	49,617	68	36	52,9	32	47,1	0	0
Permanent Occupation (compensation disbursed) *	48,820	66	36	54,6	30	45,4	0	0
Permanent Occupation (compensation not disbursed)	0,797	2	0	0	2	100	0	0

* Acquiring properties prior to public disclosure of RAP was in accordance with the Operational Policy OP 4.12 and in accordance with the rules specified in LARPF. The public was informed with respecting the procedures of OP 4.12, which was described in detail in chapter 9 of this RAP. The property appraisals as prepared comply with the methodology accepted in OP 4.12 and this RAP.

2 categories of PAPs entitled to get compensation were identified: owners (including co-owners) and lessees of the properties.

The aim of this RAP is to document that the process of acquiring properties for the needs of the Task's implementation was in accordance with the requirements specified in OP 4.12, but certainly ensuring the retroactive application of the OP 4.12 provisions.

2.1 TASK DESCRIPTION

Task included in this RAP will be realized within the scope of the *Odra Vistula Flood Management Project*. They were included in the Component 1 – *Flood Protection of the Middle and Lower Odra*, Sub-component 1C - *Flood protection of Słubice city*.

Contract - 1C.1 - **Extension and construction of flood embankments and Reconstruction of Czarny Kanał and Racza Struga** is aimed at improvement of flood protection of Słubice city.

Lubuski Board of Amelioration and Hydraulic Structures in Zielona Góra (LZMiUW) acting in the name of Lubuskie Voivodeship, is the Project Implementation Unit of the contract.

Works Contract 1C.1 **Extension and construction of flood embankments and Reconstruction of Czarny Kanał and Racza Struga** consists of the following two structures:

- **Extension and construction of flood embankments** - consisting in the extension and reinforcement of 6.70 km of the existing flood embankment and 185 m of the existing side embankment (km 26+000 - 32+700 of the Odra River embankment, km 582.500 - 588.000 of the Odra River course), as well as the performance of a new ring embankment with the length of 5.90 km (km 26+563 of the Odra River embankment, km 587.400 km of the Odra River course),
- **Reconstruction of Czarny Kanał and Racza Struga** - consisting in the reconstruction of Racza Struga bed within the length of 2.00 km and the reconstruction of Czarny Kanał bed within the length of 4.06 km

2.2 PLANNED WORKS

Extension and construction of flood embankments is aimed at securing Słubice against flood through the extension and enforcing of the existing flood embankment along the Odra River within the length of approx. 6.70 km and 185 m of the existing side embankment, including the performance of a new side embankment to the north within the length of 5.90 km.

Extension and reinforcing of the existing flood embankment applies to the section of the embankment between km 26+000 and 32+700 and 185 m of the existing side embankment which corresponds to km 582.5÷588.0 of the Odra River course. The planned works include the rebuilding of Nadodrzańska Street, running on the landside parallel to the existing embankment of the Odra River.

A new ring embankment shall be 5.90 km long. The planned new ring embankment shall start in the area of 587.4 km of the Odra River course i.e. in the area of km 26+563 of the Odra embankment. The route of the embankment runs from the contact point with the

existing embankment of the Odra River through the forest area, and then north of the existing developments from the national road No 31 and then along the road, up to the border of the Odra Valley Upland in the area of Drzecin village.

The ring embankment is planned as an earth embankment with a trapezoidal section. The height of the embankment will range from 3.3 to 5.3 m depending on the relief, and the crown width will be 3.0 m with local widening up to 6.0 m. Upstream and downstream slopes will be secured through grass mixture sowing after earlier thickening with topsoil. On account of limited vehicle traffic along the embankment crown, grass surface is planned. Only within the section in km 0+098÷0+523 (forest areas) and near the planned crossings, breakstone surface is planned. In order to seal the embankment body, within its entire length, it is planned to perform an anti-filtration barrier in its axis. Rebuilding will also cover power grid lines and telecommunication lines which collide with the course of the new embankment and embankment culverts in the beds of Racza Struga and Czarny Kanał.

Reconstruction of Czarny Kanał and Racza Struga is aimed at enabling the proper draining of the terrains adjacent to the ring embankment and discharging surface waters to the bed of Racza Struga and Czarny Kanał. It is planned to reconstruct the bed of Racza Struga within the length of 2.00 km and of Czarny Kanał within the length of approximately 4.06 km.

Works conducted within Racza Struga bed will comprise sectional levelling of bed bottom according to the levelled gradient (without excavating the soil) and sectional dredging of bed bottom in order to obtain a designed gradient (with excavating the soil to the bank). The channel slopes will be levelled (inclination from 1:1.5 to 1:2) with the use of soil excess for filling up any unevenness on slopes or elevating the terrain within the sections with the least bed depth. Reinforcing the slopes of the channel by turf stretches and seeding grass mix on topsoil with supporting the foot of the slope with the line of fascines. Tributaries of Racza Struga within the section under reconstruction will be reinforced within the length of 5 m up to their estuaries.

Czarny Kanał bed reconstruction provides for works consisting in the sectional levelling of bed bottom according to the levelled gradient (without excavating the soil) and sectional dredging of bed bottom in order to obtain a designed gradient (with excavating the soil to the bank). The channel slopes will be levelled (inclination from 1:1.5 to 1:2) with the use of soil excess for filling up any unevenness on slopes or elevating the terrain within the sections with the least bed depth. Enforcing the slopes of the bed by turf stretches and sowing grass mix on topsoil. Supporting the foot of the slope with the line of fascines. Tributaries of Czarny Kanał within the section under reconstruction will be reinforced within the length of 5 m up to their estuaries. Locally, in the places of the channel approaching the existing fencing and development, bed slopes will be reinforced with mesh and stone baskets within the total length of 740 m (left and right bank).

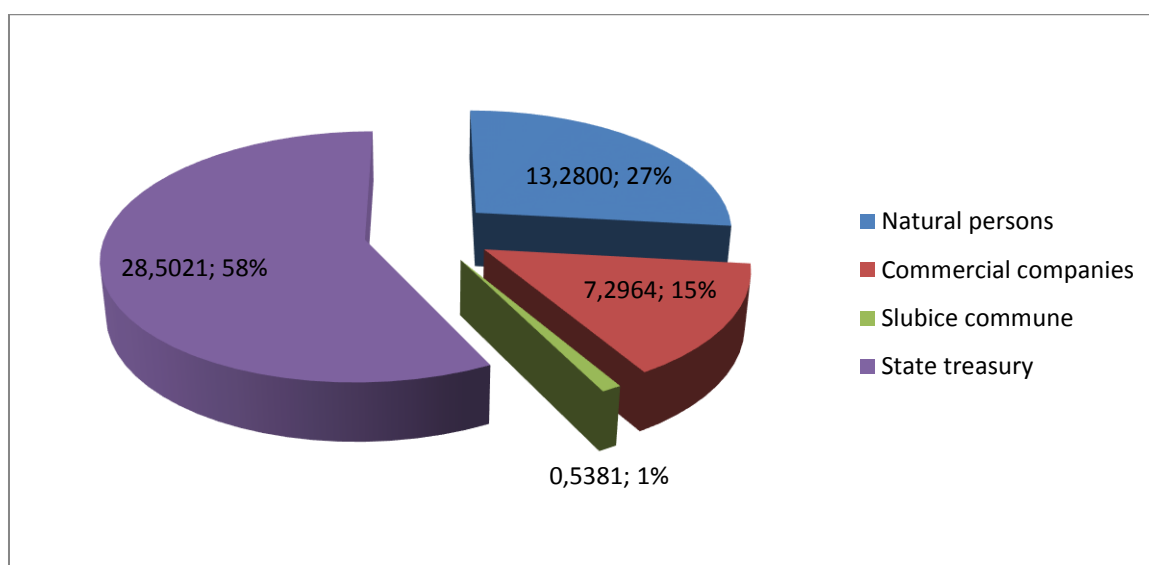
2.3 AREA OF TASK 1C.1 IMPLEMENTATION

Extension and construction of flood embankments: For this structure it is planned to acquire land from 32 properties (owned by natural persons or commercial companies) with a total combined area of 20.58 ha.

The IPIP for the Contract 1C.1 was issued on 17.01.2014 i.e. before the date of signing the Loan Agreement with the WB, concluded on 10.09.2015. A list of properties expropriated before signing the Loan Agreement with the WB includes all acquired properties because under the IPIP all real estate became the property of the Lubuskie Province. The amount of compensation paid out is indicated in Appendix No 3.

Within the implementation area there are no residential or other buildings. However, there are elements of infrastructure such as parts of roads (entrances, exits) and power grids. The identification may not be final as at the stage of works implementation there may be revealed additional elements of infrastructure, especially underground ones that are not subject to inventory in present maps.

Agricultural land, as well as waste lands, pastures or parts of properties constituting other grassland (used for recreation purposes) shall be subject to expropriations.



Drawing 1 - Permanent occupancy – Extension and construction of flood embankments

Reconstruction of Czarny Kanał and Racza Struga, no land acquisition will be required.

The list of the lands subject to permanent occupancy together with the detailed characteristic of their development is presented in table below constituting the Appendix no. 1 to this RAP.

As of 30.03.2017 for the Task *Extension and construction of flood embankments and Reconstruction of Czarny Kanał and Racza Struga* 100 % (which is clear from the IPIP decisions) of properties were acquired and the advancement of compensations payment is 99,9% of the total compensation.

According to this table, the following, in particular, will be subject to expropriation: narrow parts of plots which are adjacent to the rivers. The usufruct analysis demonstrated that among the real properties under expropriation (owned by natural persons or commercial companies):

- 22 real properties are qualified as arable lands; whereas, on some plots there are ditches or meadows. The aggregate occupation area for this type of real property is 18.21 ha,
- 7 real properties are qualified as meadows, pastures or waste land. The aggregate occupation value for this type of real property is 2.14 ha,

- 1 real properties are qualified as woodlot. The aggregate occupation value for this type of real property is 0.22 ha,
- 2 real properties are qualified as other non-developed areas. The aggregate occupation value for this type of real property is 0.01 ha.

Real properties where the Task will be carried out include 5 properties (owned by natural persons) which are leased. Real properties where the Task will be carried out do not include any properties which have allotment gardens.

For none of the plots there are identified any limited property law, non-contractual real property usufruct or other similar encumbrances.

Concrete block paved walkway is located on top of the flood bank running through sections of plots 430/3 and 431/1 Precinct No. 3 - Nowy Lubusz and plot 42/2 Precinct No. 1 - Słubice City. The bicycle path (walkway) paving of concrete blocks was provided and paid for by the Municipality Słubice in 2004 and is now a fixed asset of the Municipality. On the basis of Special Flood Act and CC there is no legal basis for payment of the compensation for expenditure on property State Treasury by Lubuskie voivodeship. Moreover, the walkway will not be destroyed during the Project. The commune did not lose any property as a result of the IPIP of 17.01.2014. The legal status of the embankment and walkway has not changed. Flood embankment and its component part in the form of walkway is owned by the State Treasury.

There are no cultural assets or historical monuments on the Investment area. There are no water intake points and other elements of technical and social infrastructure which would be of importance for the local population and which could require compensation under this RAP.

3 The Principles of RAP

The IPIP for the Contract 1C.1 was issued on 17.01.2014 i.e. before the date of signing the Loan Agreement with the World Bank, concluded on 10.09.2015, therefore acquisition of properties had been started and part of compensations had been paid, even before the implementation of the Operational Policy OP 4.12. Previous actions related with property acquisition were not contradictory to the Operational Policies of the WB. The people covered by the Project, who had been paid compensation, did not report objections as to the appraisal and they accepted the proposed amounts. For other properties the procedure for establishing the amount of compensation is still in progress and is being implemented in accordance with the rules described below.

Unless necessary precautions and preventive measures are taken in advance, land acquisition may result in generating hardship to those affected and cause project delays. The key principles to be followed in the design and implementation of the land acquisition and resettlement program are as follows:

1. Land acquisition and involuntary resettlement will be minimized or avoided where possible. Where resettlement is unavoidable, the procedures and requirements outlined in the Resettlement Policy Framework for the OVMP will be followed to prepare site-specific Land Acquisition and Resettlement Action Plans (RAPs) to mitigate adverse impacts (see. http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozyskiwania_Nieruchomosci.pdf).
2. The land acquisition procedures will ensure that the livelihood and living conditions of project-affected people are improved, or at least restored, to pre-project levels.
3. All project affected persons (PAPs) will be meaningfully consulted and be active participants in the negotiated settlements and will have access to adequate and accessible grievance redress mechanisms. Consultations will consider all social issues (also gender) and take into account the needs of stakeholders who may be considered vulnerable.
4. Implementation of effective grievance redress procedures for PAPs and provision of access to legal, fair and accessible proceedings of their appeal to independent authority or court without intentional delay if enforced.
5. All cases of land acquisitions and resettlement, either permanent or temporary, will undergo procedures based on local regulations and WB OP 4.12 as per this RPF and to be detailed for each site in the respective RAP which will be consistent with the RPF.
6. It also concerns cases of permanent or temporary limitations to the access to the property resulting in the loss of business income (permanent or temporary) or worse standards of living.
7. The implementation of the RAP will be monitored and reported and in the end evaluated.
8. The process of social participation, protective and mitigation measures will be carried out in accordance with fair treatment regardless of age, sex or disability of affected people. Particular attention will be paid to the households of vulnerable groups.

9. Resettlement plan and land acquisition are designed and completed within the Project. All costs connected with implementation of compensation actions will be included in the budget as well as the advantage of the project.
10. Compensation for land acquisition/loss of business income should be paid prior to starting construction works on that affected land.
11. A priority is given to the compensation in the form of allocation of alternative land of equivalent productive potential. Cash compensation will be used in the cases where land acquisition has no impact on the use of land for its former purposes as well as in cases where affected person expresses their will in cash compensation.
12. Temporary real property occupation for the Task fulfilment needs is possible only upon voluntary consent of the real property owner and under terms and conditions specified in a consent declaration.
13. In case of temporary acquisition of the assets, after the works they will be returned in the same condition as beforehand to enable the owners or users the business activities on the same level as before.
14. All PAPs, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix include in this RPF. Lack of legal title should not be a bar to compensation and/or rehabilitation. A detailed procedures of land acquisition, social participation and protective, preventive, compensatory and mitigation measures will be established in RAP expropriation

In case of need the Land Acquisition and Resettlement Action Plan shall be updated along the progress of the design works and appearance of new real and legal circumstance.

4 Impact minimisation

4.1 SOCIAL IMPACTS

Within the meaning of OP 4.12, social impacts connected with expropriation are as follows: direct losses, economic and social losses, resulting from the real property expropriation, permanent limitation of hitherto usufruct manner or access to the real property. Therefore, for the purpose of assessing the significance of social impacts a percentage ration of the entire real property and its dispossessed part is assumed as a basic criterion. It is also necessary to obtain data acquired during a social-economic survey.

In order to assess the social impacts for the needs of this RAP, the following importance parameters were adopted, according to OP 4.12:

- minor impacts – in case of farms seizure of land includes less than 10% of the production area of the farm, and no physical displacement. In case of properties minor impacts shall be considered when loss of land includes less than 20% of the production area of the farm, and no physical displacement.

- severe impacts – in case of farms, loss of land includes more than 10 % of the production area of the farm, real property dividing line runs in such way, that the farming/orchard activities on the real property are not possible. In case of the waste land, land other than agricultural properties, loss of more than 20% of the production area of the farm should be treated as the severe impact.

For the distinction of the secondary and significant losses, according to the Operational Policy of the World Bank, 10 % value was adopted, as for the part of the residents who farm, loss of 10 % and more of the production area of the farm will result in certain limitation of the earnings from the agricultural crops, however it will not have the essential influence on the profitability of farming, because of the area structure of this farms.

At the same time one shall take into account the local specifics i.e. border location of the commune and location of the expropriated properties in the vicinity of the town.

4.1.1 Occurrence of the severe losses

In case of the areas owned by the Słubice commune, the social impacts were treated as insignificant, because the recovery of the land from such entities does not have any impact on its situation and performance.

For the planned Task, there are no impacts connected with any physical displacements of the households or agricultural farms.

For the planned Task economic resettlements do not occur, caused by a change of hitherto usufruct manner.

As far as plot 147/2 district 5 Drzecin is concerned, despite the loss of the entire plot, impacts have been determined as minor due to small size of the plot (0,29 ha) and the fact that it is not an income source of a household (the plot owners have currency exchange office and catering company). As far as plot 149/2 district 5 Drzecin is concerned, the occupation of the entire plot has been determined as minor since this real property is not currently used and its owner operates a business activity in the construction sector. Similar situation occurs in case of the plot 195 district 5 Drzecin, 206 district 5 Drzecin, 198 district 5 Drzecin, 197 district 5 Drzecin, 211/1 district 5 Drzecin and 211/3 district 5 Drzecin.

The determined significance of impacts was included while preparing a qualification matrix.

4.2 MITIGATION MEASURES

1. All project works were conducted to minimize the number of real properties needed for acquisition.
2. Amounts of compensations for the lose real properties was determined on the basis of appraisal reports prepared by independent appraisers or decision of the Lubuski Voivode. The price estimation for calculations of the compensation amount was honest, objective and independent, and conducted in such way that the existing owner will receive the price for their property adequate for loss, to minimize the negative influence of the loss of property on their financial situation.
3. As part of compensatory measures, priority was given to compensation according to a "land for land" rule through providing a real property of a similar production potential. Cash compensation was used when the occupation of real property or its part has no influence on the possibility of using the real property for hitherto purposes, as well as when PAP affected economically expresses their consent to compensation in cash. Currently, proceedings connected with compensation granting have not be completed.
4. All costs connected with the mitigation measures will be included in the compensation package. Presently, it is not necessary to implement a range of protecting activities, nevertheless this may change during the performance of Project.
5. Real property releasing shall take place after harvesting current crops, for plots where agricultural activity is carried out in a given vegetative year for a given cultivation. If crops have not been harvested, an equivalent in cash shall be disbursed.
6. Each person under expropriation will be entitled for free of change use of the land for current purpose until the payment of the compensation or (in case, when the agreement regarding value of the compensation will not be reached) its undisputed part.
7. PAP will be informed about the physical beginning of the works within the time period that will allow cease all activities performed on the property, but not less than 90 days.
8. Upon the motion of Słubice City and Commune Office in the area of km 31+231 of the embankment of the Odra River on the existing crown, on the landside, the protective barriers on both sides of the existing stairs are planned to be fixed (exit from 1 Maja Street) and placing, on the waterside, 2 benches with backrest, which will allow for recreational use of area by the local community.
9. Required distances from the overhead line cables shall be maintained during the performance of construction works. It ensures the minimisation of population impacts arising from the Project influence on the power infrastructure (interruptions in power supply).
10. In the area of the existing buried utilities all the works will be performed manually in order to prevent any damage. It will ensure the minimisation of population impacts arising from damaging the underground utilities (problems with water supply and

sewage collection, problems with gas supply, interruptions in telecommunication services).

11. The supervision of the owner of the infrastructure network shall be ensured during the performance of works. The owners of the networks shall be informed in advance on the term of works commencement.
12. Real properties under temporary occupation, upon completing the works, shall be recovered to their initial condition. Acquiring real property for the needs of temporary occupation shall be guided by the rules provided herein, with the use of a rule of real property voluntary provision.
13. Prior to the commencement of works, the Investor will conduct a wide-spread information campaign concerning the planned Contract and open an information centre for Project affected persons, where they will be able to file their motions and comments to the conducted construction works and planned occupations. An information brochure will be prepared and sent to all PAPs, advising on a possibility of submitting complaints (in accordance with the provisions of RAP) and providing contact details.
14. As part of the information campaign, PAPs will be informed on a possibility of submitting an application for purchasing the remaining parts of the real property so called remnants if upon real property division and occupation of its part for the Task, there is a part left which is not suitable for further usage for hitherto purposes (pursuant to Article 23.2 of Special Flood Act).

The remaining minimising measures are described in the Environmental Management Plan.

5 Social-economic survey

5.1 SOURCES AND METHODOLOGY

The social-economic survey was conducted by a legal and social team belonging to the Consultant structure, responsible for drawing-up this RAP. Due to the pre-identified relatively minor impact of the planned Task on PAP, the social-economic survey was conducted on the basis of social profiling.

A basic information source concerning the development and use of occupied real properties is the analysis of GIS data, excerpts from land register and on-site verification. The status of possession concerning the occupied real properties has been determined on the basis of land register and land and mortgage register. The presence of infrastructure has been determined on the basis of the analysis of GIS data, excerpt from land register, design documentation (including Construction Design) and on-site verification.

As far as social impact is concerned, a basic information source were the data obtained on the basis of available registers (e.g. register of economic activity, National Court Register) as well as details obtained on the basis of on-site inspection. Also GUS (Chief Statistical Office) data were used and materials posted in the Internet (information from Office websites, Internet forums, local press releases, etc.). The data collected were used in social profiling, i.e. classifying PAP to a respective group of the authorised on the grounds of real property expropriation.

A cut-off date for a social-economic survey shall be a day of obtaining IPIP for the Task.

On the basis of the analysed information sources it has been determined that it is not necessary to conduct detailed social-economic survey with the use of questionnaires dedicated for specific people. The initial survey demonstrated that due to the nature and localization of the planned Task as well as planned extent of real property occupation, in the event of the Task under consideration there will be no significant impacts.

5.2 GENERAL SOCIAL-ECONOMIC DATA

The official data demonstrate that, currently, there are 19 978 Słubice Commune residents. There are 18 815 permanent residents and 1 163 temporary residents. It is estimated that there are approximately 1 000 people staying within Słubice Commune. 715 foreigners (Germans and Ukrainians) belong to the Commune residents; whereas, their majority live in Słubice.

Within the Task fulfilment area there are no people classified as a vulnerable group on account of their ethnic origin or disability.

Currently, there are 16 872 residents in Słubice City (there are 15 793 permanent residents and 1 079 temporary residents). In Drzecin administrative district (*sołectwo*) there are 296 residents and in Nowy Lubusz there are 212 residents. Officially, there are 4 848 unemployed residents, which is one of better results in the entire voivodeship. Yet, it may be

expected that this result is far more optimistic since there is significant share in the “grey market” trading.

The age structure is characteristic for the highest participation of residents in the production age (16 361 people), with majority of women (8 160) over men (7 869).

In Słubice Commune, there is good access to the public infrastructure. There are pre-school facilities, junior secondary schools, high schools and other types of secondary schools. There is the University in neighbouring Frankfurt. A gross schooling rate within the commune amounts to 95.53% for primary schools and 111.69% for junior secondary schools. In the commune, there is also a relatively good access to the medical infrastructure, including hospitals and pharmacies.

There are 3 195 entrepreneurs operating in Słubice Commune, including 140 belonging to the public sector. 11 entrepreneurs operate their activities within the Special Economic Zone in Słubice and employ approximately 380 people.

5.3 DATA CONCERNING REAL PROPERTIES

The Task will be performed partially on municipal areas and partially on rural areas. On such rural areas, most real properties under expropriation as part of the Task are arable lands (including pastures). Therefore, for some of the residents holding farmlands, the loss of 10% and more of the production area of the farm may result in a certain limitation in the income on cultivation. Nevertheless, the above shall not affect the economic profitability of farming significantly due to the area structure of these farmlands (the plots under expropriation constitute mostly a smaller part of the entire farmland or they are not the only source of income for their owners).

At the same time it is necessary to note local specification, i.e. border localisation of the commune and localisation of the real properties under expropriation on rural areas in close vicinity to the city. Although the loss of the entire plots is likely to generate some significant impacts, it is not true for this case, which is described in chapter 4.1.

5.4 CONCLUSIONS

Conducted analyses revealed that there are no physical or economic resettlements and social and economic costs of the Contract itself shall not be major. Therefore, it was considered that cash compensation shall be a sufficient form of compensation.

6 people covered by the Project, out of 22 real property owners who were asked to fill in the questionnaires, answered the questions from the questionnaires. The Report from the public discussion will be attached to RAP in for of an Appendix. There was no significant impact on individual people.

Relatively low social and economic costs of the Contract are also a consequence of the fact that in the area assigned to it, there are no public use facilities such as schools, offices, companies or churches or seats of other religious association which means that the expropriation procedure shall only slightly affect people who are not owners of the real properties covered by the Contract

6 Gender equality

In Poland there is a legal ban to discriminate and it is expressed in the Polish Constitution of 1997. The Article 32 says that nobody may be discriminated in political, social or economic life due to any reason. Women discrimination means any differentiation, exclusion or limitation due to gender and which causes or aims at diminishing or making it impossible for women, regardless of their marital status, granting, implementation or use, equally with men, human rights, basic freedoms in the scope of political, economic, social, cultural, citizen life and others (Art. 1 of the Convention on liquidating any forms of women discrimination of 1979).

When Poland wanted to be a member of the European Union, it had to adjust its legislation to the regulations binding in the EU, also in the scope of gender equality. It resulted mainly in the changes in the Labour Code but also in a change of attitude of politicians and public administration in this subject.

In accordance with Human Development Index (HDI) of the United Nations Development Programme (UNDP) for 2012, Poland is among the countries with a very high social development index. It is ranked as 39th among 187 countries i.e. above the average of the countries from the region of EBOR's operations and on a similar level to the average for the countries of Middle Europe and Baltic States. Human Development Index covers three elements: health, education and standard of living. In terms of the Gender Inequality Index (GII) of UNDP Poland ranks even higher and is placed on 24th position in the world's ranking. Gender Inequality Index is a measurement that reflects loss of development possibilities within the area of a given country caused by unequal treatment of genders and covers three elements subject to evaluation: reproduction health, increase of entitlements and participation in the labour market.

As far as women's participation in public life is concerned, the participation of women in the composition of public bodies is little. Among others, the low percentage of women being Members of Parliament (Sejm) as well as Members of Senate is indicated here. Similarly, negative trends characterise other elective bodies: commune councils, county councils or voivodeship assembly (women constitute about 1/4 of all councillors). It is also worthwhile to emphasize a noticeably small percentage of women among heads of communes, mayors of towns and cities. Whereas the attention is drawn to the progressing demasculinization of the function of a village head (sołtys) which is one of the most significant function in the context of civil activity and building social capital. Experiences also show that women are equal participants of public consultations and frequently their local involvement and activity cause that they play a leading role in such consultations. Finally, it shall be indicated that in order to promote women and increase their representation in decision making bodies and management in business, numerous civil initiatives are initiated, declarations of political parties are made, the examples set by other countries are popularised, the European Commission undertakes their own initiatives ex officio etc. which shall translate into the improvement of gender equality of women and men in the fields of participation in the labour marker or decision making bodies. The analysis of the research results for the last 10 years anyway shows a gradual progress in this field.

7 Binding law regulations and evaluation methodology

This RAP for the Sub-Component 1C *Flood protection of Stubice city* is based on Polish law regulations, as well as, due to co-financing from the funds of the World Bank, on the OP 4.12 Involuntary Resettlements.

The Loan Agreement concluded between Poland and the World Bank is an international law act and, by signing it, Poland is obliged to abide the World Bank policies.

In case of discrepancy between Polish regulations and policy of the World Bank, the regulations which are more favourable to the affected people will apply.

7.1 OBLIGATIONS ARISING FROM POLICY OP 4.12¹

OP 4.12 is applied whenever the implementation of the Project requires:

- a) involuntary taking of land resulting in:
 - (a) relocation or loss of shelter,
 - (b) loss of assets or access to assets,
 - (c) loss of income sources or standard of living
- b) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

The following obligations result under OP 4.12:

- Involuntary resettlement should be avoided where feasible exploring all viable alternative project design, and if it is not feasible to avoid resettlement, its range and impact should be minimized
- Resettlement process should be planned and implemented as development activity providing means and assets allowing PAPs to participate in benefits resulting from implementation of the Project. Support should be offered to social groups affected by resettlements in order to improve their economic status, income and livelihood, or at least restore their status to the situation prior to the Project implementation;
- The resettled should receive compensation at replacement value, assistance in relocation and support in the transition period;
- Lack of legal title to the ground should not be a burden to compensation;
- Particular attention should be paid to vulnerable social groups and individuals (e.g. single mothers, the handicapped, the poor);
- The communities should be given opportunity to participate in planning, implementation and monitoring of the resettlement process;
- The resettled should be assisted in integration with the host community;
- Process of resettlements should be closely linked to the schedule of the Task so that the resettled people receive compensation before the construction or other activities covered by the Project begin;
- Monitoring of resettlement is required as well as evaluation of its efficiency;
- As regards rural or farming lands, even when it is possible to apply financial compensation, land-for-land compensation is recommended, if economically feasible; Farms that lost their fixed assets entirely and became entirely unprofitable should receive compensation in the amount equal to the value of the entire farm;

¹ The chapter is compliant with LARPF

- For losses that are hard to compensate for financially, such as access to public services, access to clients or suppliers, fishery areas, access to pastures and forest areas, an attempt should be made to grant access to equivalent and culturally relevant assets and income opportunities

7.2 POLISH LEGAL CONDITIONINGS

The most significant normative acts related with acquiring rights to properties necessary for the implementation of the Task include:

- The Constitution of the Republic of Poland of 2nd April 1997 (Journal of Laws No. 78, item 483 as amended)
- Civil Code Act of 23rd April 1964 (consolidated text, Journal of Laws of 2014, item 121, as amended), hereinafter referred to as the Civil Code (CC)
- The Act of 8th July 2010 on special principles of preparation and execution of flood prevention constructions investments (consolidated text, Journal of Laws of 2015, item 966 as amended), hereinafter referred to as Special Flood Act
- The real property management act of 21st August 1997. (consolidated text, Journal of Laws of 2015, item 782, as amended), hereinafter referred to as the RPM

The Civil Code regulates the legal relations between natural and legal persons, including the ones concerning the conclusion of real property sale agreements. The freedom of shaping the content of the agreement principle and to decides with whom to conclude the agreement is binding here. A unanimous statement made by the parties decided about concluding an agreement. The Civil Code provides for the special form of concluding agreements whose subject is a real property. They shall be concluded in the form of a notarial deed otherwise null and void.

The mechanism of involuntary acquisition of rights to land is included in the Special Flood Act and RPM Act.

7.2.1 Obtaining real properties based on Special Flood Act

In accordance with the Special Flood Act expropriation of real property or its parts, as well as temporary or permanent limitation of the manner of its or its part use takes place in the IPIP issued by the Voivode. The expropriation takes place at the moment when IPIP becomes final.

Prior to the issuance of IPIP, a party may demand from the Investor to cover by the motion to expropriate this property or its part belonging to the party, which shall not be proper for the use as prior to the Task implementation. In case when the Investor does not consider the expropriation as necessary, the party enjoys the right to lodge a claim to the independent common court for buying out the land.

As regards transferring the ownership of the real property to the State Treasury or a regional self-government entity, the owner or the holder of usufruct rights (i.e. the legal right of using and enjoying the fruits or profits of state land) is entitled to financial or land-for-land compensation. The Special Flood Act does not indicate any preference for the land-for-land

compensation; financial compensation allowing for purchasing similar real property at a market price is rather assumed.

The amount of compensation is determined separately for each real property by negotiating individually with the current owner or holder of usufruct right. The negotiations are based on the independent and objective valuation prepared by a licensed appraiser.

The amount of compensation is determined for the real property in the condition as of the date of issuing IPIP, but in reference to real property value as of the date on which the amount of compensation is determined.

In case the Investor and the expropriated party reach an agreement as regards the amount of compensation, a written agreement is concluded, determining the amount of compensation, and time and manner of payment.

However, if the agreement is not reached within 2 months from the date of issuing final IPIP, the amount of the compensation is determined by the Voivode (regional authority). Before issuing a decision on the amount of compensation, the Voivode appoints an independent expert appraiser. Also the affected party is entitled to present an opinion of an expert. In such a case the Voivode has to account for the opinion presented by the affected party in the decision determining the amount of compensation. If the affected party files remarks and motions in the proceedings, the Voivode has to refer to them during the proceedings and subsequently in the issued compensation decision.

The decision issued by the Voivode may be challenged by the party.

In case of challenging, by the expropriated person, the decision determining the amount of compensation, the person may lodge a motion for the payment of the compensation in the amount established in the challenged decision. In such a case the compensation is paid in the amount specified in the decision, which does not have impact on the pending challenge procedure.

The decision issues in the challenge procedure may be challenged to the Voivodeship Administrative Court within thirty days from the moment of serving the decision to the challenging party. The party enjoys again the right to lodge a cassation appeal to the Supreme Administrative Court against the decision of the administrative court, within thirty days from the moment of serving the extract of the decision with its grounds to the challenging party.

7.2.2 Special procedures

Depositing funds on the court account if disbursement of compensation is not possible

Pursuant to the Art. 133 of the act on property management, the Investor submits the amount of compensation to the court deposit in accordance with the decision of the Voivode obliging the Investor to pay the compensation to the deposit, which is equivalent to fulfilling the obligation. The above can take place only in the following two cases: if an authorised person rejects accepting compensation or its disbursement is hindered significantly (lack of capacity of a creditor, its longer absence in the country, lack of appointing a proxy, natural disasters, marital law) and when compensation for expropriation applies to real properties with an unregulated legal status (Decision of the Voivodeship Court of Administration in Lublin 2005-02-25, case ref. No II SA/Lu 884/04).

Depositing compensation on the court account entails the same effects as disbursing such a compensation and obliges a creditor to reimburse depositing costs to the debtor.

If the Court overrules such an application, such a fee shall not be subject to reimbursement and if a creditor (as a party to the proceedings) is represented by a legal counsel or attorney, the Court may impose the payment of the amount of PLN 120 for representation remuneration.

7.3 ASSUMED MECHANISMS OF ACQUIRING RIGHTS TO REAL PROPERTY²

In the LARPF there are identified a lot of inconsistencies between OPOP 4.12 and Polish Law: OP 4.12	Polish law	Corrective instruments
Lack of legal title to the land ought not to be an obstacle in compensation/disbursement of damages. Those not having a legal title receive compensation.	Polish legal system does not provide for the right to damages in the event of owners/users of land without legal title (except for those whose legal title is lost or who acquired the right to real property as a result of acquisitive prescription, i.e. method of acquiring real property through uninterrupted possessing of real property for the period indicated in the act)	<p>In the event of those not holding a legal title to real property under the effects of the Task implementation, each such case ought to be considered individually in terms of a possibility of applying general mechanisms under Civil Code for the achievement of goals OP 4.12.</p> <p>According to OP 4.12, project affected persons not holding a legal title to real property are not entitled to obtain cash compensation for the real property. Nevertheless, they are entitled to receive compensation for all the structures, growing and improvements of the real property made prior to the final date and to appropriate solutions in the cases in which they will be forced to be resettled physically or economically. In such cases relevant mitigating measures will also be applied.</p>
WB Policy requires compensation for the income loss (e.g. from economic activity, agricultural activity, etc.) in connection with real property occupation for the needs of the planned Task implementation	The provisions of Polish law do not provide for compensation for income loss as a result of Task implementation.	<p>Those who lost their income or employment will receive support (health insurance, vocational training, etc.) from Labour Offices.</p> <p>In the case of entrepreneurs, it is possible to use general mechanisms under the Civil Code (covering the damage incurred and lost profit).</p>
Particular attention must be paid to the needs of vulnerable social groups, including poor people, elder people, lonely mothers, children, ethnic minorities	Polish law does not require to plan particular measures for the purpose of additional support to vulnerable social groups (elder people, the disabled, poor people and other with special needs).	<p>Dispossessed people will be granted any necessary help in obtaining support of offices and institutions offered to residents.</p> <p>Additional activities will also be undertaken to ensure the achievement of goals specified in OP 4.12.</p>

² The table provided herein is compliant with LARPF

<p>In the LARPF there are identified a lot of inconsistencies between OPOP 4.12 and Polish Law: OP 4.12</p>	<p>Polish law</p>	<p>Corrective instruments</p>
<p>WB policy requires additional compensation for expenditures incurred by PAP in connection to physical movement (e.g. transport of materials) and granting support related to the resettlement.</p>	<p>Support for covering costs of movement and other related costs arising from the need for re-locating to a new place by residents and companies is not anticipated.</p>	<p>In order to cover costs of movement and other related costs it is possible to apply general mechanisms under Civil Code for the achievement of goals specified in OP 4.12.</p>
<p>Disbursement of compensation ought to take place prior to the physical occupation of the area for the needs of Task implementation</p>	<p>Flood Act provides for a possibility of occupying the area and commencing works prior to the damages disbursement.</p>	<p>In all the cases a condition for commencing works is the reception of confirmation that PAP was notified in advance of the commencement of works, compensation was disbursed and permit was obtained for entering the area.</p> <p>The only exceptions are situations with appeal proceedings due to the failure of negotiations, absence of owners and impossibility of determining such owners.</p> <p>In order to minimize a risk of commencing works prior to the compensation of losses, real property occupation should be planned and carried out prior to the commencement of works.</p>
<p>Compensation for assets loss is based on their market value plus all transaction costs (e.g. taxes, fees) and it should be sufficient for the effective reconstruction of lost assets (reconstruction value)</p>	<p>Valuation methods used may result in lowering of the value of real property compared to market prices.</p>	<p>Real property valuation will be entrusted to an independent and experienced expert. Such an opinion should be verified by PIU. The person dispossessed ought to be granted with sufficient time to become familiar with the expert's opinion. In case of any doubts concerning the amount of damages, such valuation must be carried out by an independent expert before the Voivode.</p> <p>In all the cases the valuation must indicate a reconstruction value.</p>
<p>It is necessary to prepare a social-economic study, RAP, monitoring of compensatory measures, resettlements, measures aimed at the reconstruction of life status as well as evaluation of the effectiveness of all such measures.</p>	<p>The provisions of Polish law do not provide for an obligation to prepare a social-economic study, RAP. There is no obligation of monitoring and evaluation of their implementation.</p>	<p>Social-economic studies, RAP are prepared according to LARPF, OP 4.12 and good practices.</p>

As far as the **Construction of flood embankments** is concerned, implemented as part of Task 1C.1 qualified as the project with the scope of flood structures, real property was acquired under the decision of Lubuski Voivode No 150/13 of 17.01.2014 issued pursuant to the Special Flood Act.

Furthermore, the IPIP issued indicate real properties or parts thereof, constituting a part of the investment project, which are indispensable for its functioning, but which do not become the property of the State Treasury or regional self-government agency and towards which the use manner is permanently limited (hereinafter referred to as: TO). A different TO restriction category arising from IPIP, will include the areas of direct flood hazard and areas of prospective flood hazard or particular flood hazard, if established (Article 9.8f of the Special Flood Act). Such real property will not be involved by the permanent change in the management manner and basically they may be used by the owner (perpetual usufructuary) like before the project implementation; nevertheless, after fulfilling the investment task – with some functional limitations.

The said limitations and related inconveniences, restrictions in an economic potential and real property market potential (e.g. prohibition of development, prohibition of planting trees, prohibition of conducting an agricultural activity, etc.) affect the real property market value negatively and they must be compensated accordingly. In an extreme case of usefulness loss for the owner (perpetual usufruct), they are entitled (under Article 22.2 of the Special Flood Act), to demand its purchase under civil law procedures. If this procedure is not used, there is an administrative procedure in which applicable compensation is established.

The Special Flood Act does not define the use manner permanent limitation (TO) and does not indicate an administrative body, competent in terms of the subject matter, to establish compensation in administrative proceedings. Such a state, i.e. lack of clear legal provision indicating content-related competence of a body is caused by an obvious legal loophole and it authorises to apply in the administrative proceedings an iuris analogy (road special act - ZRID) referred to the Decision of the Supreme Administrative Court in Warsaw of 9 November 2012 (I OW 142/12). The Court, indicating a Voivode as a competent body, unambiguously decides that [cited] *A body competent for establishing compensation is a body which issued a Road Investment Project Implementation Permit (RIPIP)... It is not possible to accept that a legislator distributed competences for establishing compensation for the effects of the same decision depending on the object of compensation.*

In consequence, with reference to the determination of compensation towards TO, the competent body will be the Voivode which issued IPIP and compensation will be determined under terms and conditions specified herein.

As far as prospective temporary occupation is considered, whose exact range cannot be defined at the current stage of the Project progress, the Contractor will enter with the owners into voluntary agreements where the rules of temporary occupation will be outlined for the needs of the Project implementation. In each case, the owners of real properties under permanent and temporary occupation will be effectively informed on the planned Project and the rights they are entitled to.

The Investor will conduct negotiations with the owners of real property concerning the amount of compensation for the real property under expropriation. Negotiations will be held by means of correspondence. The interested parties were informed on their rights in the

course of negotiations, including a possibility of applying to Lubuski Voivode for establishing the amount of compensation due. In the cases where negotiations did not lead to the determination of the compensation amount, the amount of compensation will be determined by Lubuski Voivode by means of a decision on the basis of an appraisal performed by an authorised appraiser appointed by the Voivode.expropriation

For the needs of **Reconstruction of Czarny Kanał and Racza Struga**, no permanent occupation is anticipated.

7.4 VALUATION PRINCIPLES ³

An owner, a holder of perpetual usufruct and other legal holder of land or a part of land on which flood management investment, necessary for its implementation, is carried out, is entitled to compensation for the transfer of ownership of the real property to the regional self-government entity.

In all cases compensation must meet the principle of replacement value, which means the market value of the land, and related assets (e.g. crops) plus any transactions costs required to replace it, such as taxes and registration fees. Compensation is determined on the basis of a valuation by an appraiser, and other experts (e.g. agricultural expert) as required.

According the OP 4.12, with regard to land and structures, "replacement cost" is defined as follows:

- a) for agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes;
- b) for land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes;
- c) for houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes.

With reference to the real properties under expropriation, for the needs of the Task fulfilment, the aforementioned provisions letter a) and b) above shall apply.

In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the Project deducted from the valuation of an affected asset. Where Polish law does not meet the standard of compensation at full replacement cost is supplemented by additional measures so as support after displacement, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living (including sources of income), etc. Such a procedure ensures the implementation of compensation as standard compensation according to the replacement value.

³ The content of the chapter is compliant with LARPF

The compensation in the amount agreed between the Investor and a current owner, perpetual usufruct user or other legal holder of the property is due from, respectively, the State Treasury or regional self-government agency.

In case when IPIP concerns it area of allotment gardens established in accordance with the provisions on family allotment gardens, an entity in the interest of which there shall be a liquidation of a family allotment garden or its part is obliged to:

- pay to allotment holders compensation for plantings, devices and objects placed on the allotment and constituting their ownership;
- pay to garden association compensation for devices, buildings and building structures of the family allotment garden owned by them and aimed at common use by allotment holders and used for ensuring the functioning of the garden;
- ensure unpaid swap properties for the restoration of family garden allotment.

The compensation amount determined on the day of issuing IPIP (Investment Project Implementation Permit) shall be subject to indexation as of the disbursement day according to the rules applicable in the case of returning the real properties under expropriation.

NOTE:

The appraisal methods are defined in a legal act which is the Regulation of the Council of Ministers of 21 September 2004 on real property appraisal and preparation of an appraisal report, specifying the methods and techniques of compensation appraisal.

7.4.1 Real property valuation⁴

The amount of compensation basis is determined on the basis of the market value of the real property. While ascertaining the market value of the real property, the following factors in particular are taken into consideration: its type, location, use and zoning, existing technical infrastructure, overall condition and current market prices. Should the change of zoning and land use for the purpose of the Contract decrease the real property's value, its market value will be ascertained according to pre-rezoning and pre-project use. If the data from the local or regional real property market allows the appraiser to ascertain the market value of the property, they should apply one of the market approaches, i.e. the sales comparison approach, the income capitalisation approach or the combined approach. Should the zoning in accordance with the purpose of the investment increase the real property's value, its market value is ascertained according to the alternative use resulting from the new zoning. If the data from the local or regional real property market does not allow the appraiser to ascertain the market value of the property, they should ascertain the replacement value of the real property on the basis of the cost approach.

Should the current owner or holder of perpetual usufruct rights of the affected property agrees to deliver the property and vacate the premises within 30 days, the amount of compensation is increased by 5% of the value of the real property or of the value of the title to perpetual usufruct.

⁴ The content of the chapter is compliant with LARPF

7.4.2 Valuation of plants and crops⁵

The valuation of tree stand or tree cover, if the tree stand includes usable assets, will involve the valuation of timber in the tree stand. If the tree stand includes no usable assets or if the value of timber is exceeded by the costs of reforestation and maintenance of the tree stand, the valuation concerns the costs of reforestation and maintenance of the tree stand until the day of expropriation.

The valuation of fields of perennial plants involves the valuation of the costs of determining the field and its maintenance until the first crop as well as of the lost profit in the period from the day of expropriation until the completion of the full yield. The aggregate of costs and the value of lost profits are reduced by the sum of the yearly depreciation charge resulting from the period of using the field from the first year of yield until the day of expropriation. The valuation of crops, cultivation and other yields of annual plants involves the valuation of the expected yield according to the current market prices, reduced by the value of necessary expenditures related to the harvest of the crops.

The valuation of crops, cultivation and other yields of annual plants involves the valuation of the expected yield according to the current market prices, reduced by the value of necessary expenditures related to the harvest of the crops.

⁵ The content of the chapter is compliant with LARPF

8 Eligibility Criteria and Catalogue of entitled persons

8.1 ELIGIBILITY CRITERIA⁶

According to the Operational Policy of the World Bank, the following groups of people are eligible for compensation and assistance in connection with land acquisition resulting in loss of assets and displacement (economic or physical):

- (a) people who have formal legal rights to land or other products affected by the Project (including customary and traditional rights recognized under the laws of the country);
- (b) people who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets-provided that such claims are recognized under the laws of the country or become recognized through a process identified in the RAP
- (c) people who have no recognizable legal right or claim to the land they are occupying

The persons mentioned in item (a) and (b) should be granted with compensation for lost lands and also other assistance. The persons mentioned in item (c) should be granted support in resettlement instead of compensation for occupied lands and, if necessary, other form of assistance for the achievement of goals of OP 4.12 – provided that such persons occupied the Project implementation area prior to the cut-off date. Those who occupy the area upon the cut-off date will not be entitled to compensation or to other forms of assistance in connection with resettlements. All the persons defined in items (a), (b) and (c) should receive compensation for lost assets other than land.

Therefore, the lack of legal title to the real property should not constitute an obstacle for receiving compensation or other support offered in connection with the forced real property occupation.

It must be emphasized that in the case under consideration there is no group of people qualified as a group without legal title to land. Nevertheless, according to the Polish law, persons usufructing real property without legal title are aware of illegality of their activities and the fact that such real property may be returned to its owner at any time without compensation in cash.

As far as the assessment of PAP influence is concerned, it is described in chapter 4.1. Social impacts.

8.2 A LIST OF ENTITLED PEOPLE⁷

Pursuant to OP 4.12 and RAP, the following groups of PAPs are deemed eligible for compensation or protective measures in connection with the implementation of the Project:

⁶ The content of the chapter is compliant with LARPF

⁷ The chapter is compliant with LARPF

- PAP which hold real property on the project area legally receive compensation in its full amount, with priority of “land for land” rule,
- PAP which are leaseholders, tenants, life annuitants and other dependent possessors of real property on the Project area receive full compensation for the loss of such rights,
- PAP which are persons who have a limited property right in the real property, receive full compensation for the loss of such rights,
- owners of crops, plants, structures and other constructions attached to the land receive compensation for the above,
- residents of houses and flats who will have to be resettled, apart from compensation under the above rules, will receive support in resettlement, appropriate access to social infrastructure and, if necessary, a package of specially selected protection activities,
- PAP which due to the Project implementation will lose their income, salary or a possibility of conducting a business activity will receive adequate compensations and, if necessary, a package of specially selected protection activities,
- PAP which have real property on the Project area illegally, without legal title and without expectancy of acquiring such a legal title will be receive compensations for expropriation since it is infeasible in the light of Polish law. Nevertheless, such persons will receive compensation for plants and structures owned by them and, if necessary, a package of specially selected protective activities for the reconstruction or improvement of life quality.

PAP will be entitled to obtain compensation for the following categories of impacts/losses:

- **Permanent loss of real property** – if possible, and when PAP expresses their willingness, will be compensated in the form of “land for land” through granting real property of a similar value, location and functions as the dispossessed real property. If it is impossible to find real property satisfying the requirements for adequate compensation, PAP fails to express their willingness to receive compensation in the form of “land for land” or only a small part of the plot is occupied, compensation will be disbursed in cash and it will correspond to the market value of disposed real property or its part. In addition, for immediate release of real property it will be possible to increase compensation with the amount of 5% of the value of dispossessed real property according to the rules specified in the Special Flood Act. PAP which are not owners of perpetual usufructs, yet having legal title to the real property (eg. lessees) will receive compensation correspondent to the value of the dispossessed rights. Upon PAP request, the Investor possibly will overtake the real property in whole and will compensate the takeover of this real property according to the foregoing rules. Any transaction costs, including taxes connected with granting compensation for expropriation will be incurred by the Investor. PAP which have real property on the Project area without legal title (illegally), granting compensation for real property expropriation will not be feasible. Nevertheless, such persons will receive compensation for plants, crops and structures owned by them and, if necessary, a package of protective activities aimed at the reconstruction or improvement of a life quality;
- **Permanent limitation within hitherto usufruct of real property** – compensation will be in cash, including the loss of real property market value. Depending on the

situation, specially selected protective activities will be also offered. Upon PAP request, the real property where there will be permanent limitation within hitherto usufruct of real property, will be dispossessed and PAP will receive compensation according to the rules specified for permanent loss of real property;

- **Residential buildings** – compensation will be the same as for permanent loss of real property. Furthermore, dispossessed PAP will receive additional payment in the amount of PLN 10 000. Depending on the situation, the Investor will grant such persons alternative residential premises. Squatters are not entitled to receive compensation; however, in some cases the Investor is obliged to grant them alternative residential premises. Such persons will be also offered a protective package, covering assistance in finding a place of dwelling. If these are unemployed persons or addicted, supporting activities will be offered concerning their job market position and they will receive a treatment proposal;
- **Residential facilities and structures (stables, fencing, technical infrastructure, etc.)** – owners and users of such facilities and structures will receive compensation as for permanent loss of real property. As part of protective activities, the Investor will offer the rebuilding of infrastructure network and, where applicable, facilities and structures at the Investor's cost. In addition, in the event of territorial governments bodies which implemented or are implementing such facilities and structures with the use of the EU funds or other foreign sources – cash compensation will be increased with an amount of financial means from funding subject to reimbursement including due interest rates;
- **Loss of plants** – will be compensated to legal owners of real property in cash, with consideration of the costs of seeding and caring for plants, as well as the value of lost proceeds in the period from the expropriation day to the final day of full cropping;
- **Loss of tree stand** – analogical to the loss of plants. Depending on a particular case, compensation may also take place according to the estimate value of timber which may be obtained;
- **Impact on entrepreneurs and employment** - will be compensated in cash through compensating losses actually incurred through entrepreneurs and profit lost by them as a result of the Project implementation. A basis for determining such values should be accounting and settlement documents or tax declarations of entrepreneurs. In the event of job loss by workers they will receive the unemployment benefit. Both employees and workers under civil law contracts, in the event of the loss of earning possibility will receive free of charge health insurance, help in finding a job and possibly support in the form of vocational training enabling their re-qualification for the purpose of finding a job'
- **Loss or restriction of access to social infrastructure** (e.g. parks) – will be, as far as possible, compensated through reconstructing such an infrastructure in a new and properly located place. In the event of impossibility or lack of need for reconstructing such an infrastructure in a new place, PAP will be granted access to the existing social infrastructure;
- **Costs of the resettlement of households** – for the purpose of covering the costs of the resettlement of households, PAP will receive the amount of PLN 10 000. They will be also offered a special package of protective activities, including, if necessary, assistance in finding a transport company and covering transport costs exceeding the amount of PLN 10 000;

- **Vulnerable groups** – they will receive a specially selected protective package (activity implementation schedule within this scope will be determined individually). For school children and youth, it will be the assistance in finding location enabling their education in the present schools; similarly for pre-kindergarten and kindergarten children. Elder people will be resettled to places without architectural barriers hindering moving around and with the same of easier access to health care centres, with a possibility of preserving hitherto habits and lifestyle. Poor people will be offered with assistance in obtaining additional institutional support from government agencies, regional self-governments and respective non-government organisations.
- **Temporary real property occupation** – will be compensated in cash through monthly payments correspondent with the market places for leasing or renting real property. If PAP will incur a loss due to the temporary real property occupation, it will be compensated separately according to the foregoing rules. Upon the completion of construction activities, all the real properties will be recovered to their original conditions;
- **Damage within houses, buildings and structures connected with construction works (e.g. vibrations, accidents, etc.)** – will be compensated depending on their nature in order to enable full reconstruction of the affected object or purchase of a new one. Appropriate rules for the disbursement of compensation will be applied for the above mentioned impacts.

For the Task 1C.1 the eligible for compensation shall be included in the category of property owners (including co-owners) and lessees of the properties. 30 entities eligible for compensation were identified:

Additionally, 3 of the indicated owners report paying environment fees and collecting EU "subsidies" in not declared amount. In accordance with relevant provisions, expropriation of the whole or part of property, making it impossible to further fulfil the obligation, could not have been predicted on the day of the commencement of farming and environment obligation, constitutes Force Majeure and in case of its occurrence, it is not required to refund farming and environment subsidies. The Agency for Restructuring and Modernisation of Agriculture makes an evaluation in such a case. Establishing the right to a possible compensation for the need to return collected farming and environment fees, its kind and amount shall be possible after obtaining by such entities a decision of ARiMR on the return of collected farming and environment fees.

Permanent limitation of property management shall concern only lands owned by the State Treasury.

The number of entities eligible for compensation for the Task results first of all from the nature of the investment as well as from the need to permanently occupy a small part of the plot 2/2 cadastral unit Słubice town, belonging Spółdzielnia Gospodarki Mieszkaniowej „Osiedle Grzybowe”(Housing Management Cooperative) The plots is subject to co-ownership. Each owner enjoys the right to compensation on pro rata basis in relation to their share in land.

Plots belonging to the Agricultural Real Property Agency are currently not under any lease.

A detailed catalogue of persons entitled to compensation is provided in Appendix No 1 hereto. Nevertheless, this appendix shall not be disclosed due to the personal data protection.

8.3 ELIGIBILITY MATRIX⁸

Impact/loss	PAP specification	Compensation
Permanent loss of real property	Owners, perpetual usufructuaries, real property owner-like possessors	<ul style="list-style-type: none"> • „land for land” compensation • Cash compensation if the above is impossible or unwanted • Covering of all transaction costs
	Real property illegal possessors	<ul style="list-style-type: none"> • No compensation for the loss of real property
	Holders of easement, mortgage, pledge on the real property	<ul style="list-style-type: none"> • Compensation in cash for the loss of rights, • Holders of land easement – help in finding a solution enabling the use of real property belonging to them (possessor of dispossessed real property), e.g. in the form of a different road necessary for the real property, • Covering transaction costs.
	Illegal holders of easement	<ul style="list-style-type: none"> • help in finding a solution enabling the use of real property belonging to them (possessor of dispossessed real property),
Permanent restrictions within real property usufruct	Owners, perpetual usufructuaries, real property owner-like possessors	<ul style="list-style-type: none"> • compensation in cash for the losses connected with the restrictions in real property usufruct, • covering transaction costs, • proposing an institutional support and advising on the possibility of other use of real property
	Illegal possessors of real property	<ul style="list-style-type: none"> • proposing an institutional support and advising on the possibility of other use of real property

⁸ The chapter is compliant with LARPF

Impact/loss	PAP specification	Compensation
	Illegal holders of easement	<ul style="list-style-type: none"> • help in finding a solution enabling the use of real property belonging to them (possessor of dispossessed real property).
Non-residential facilities and structures (stables, fencing, technical infrastructure etc.)	Owners, perpetual usufructuaries, owner-like possessors of facilities and structures	<ul style="list-style-type: none"> • Compensation in cash in the amount of the reconstruction value for the lost assets, • Transfer or reconstruction of lost assets.
	Usufructuaries	<ul style="list-style-type: none"> • Compensation in cash in the amount of the reconstruction value for the lost assets, • Transfer or reconstruction of lost assets.
	Illegal possessors of facilities and structures	<ul style="list-style-type: none"> • Compensation in cash in the amount of the reconstruction value for the lost assets, • Transfer or reconstruction of lost assets.
	Lessees of facilities or structures	<ul style="list-style-type: none"> • Compensation in cash in the amount of the reconstruction value for the lost assets, • Transfer or reconstruction of lost assets.
Loss of plants	Owners, perpetual usufructuaries, owner-like possessors of real property	<ul style="list-style-type: none"> • Compensation in cash, including the costs of seeding and caring for the plants as well as lost crops, • Enabling harvesting
	Usufructuaries	<ul style="list-style-type: none"> • Compensation in cash, including the costs of seeding and caring for the plants as well as lost crops, • Enabling harvesting
	Lessees	<ul style="list-style-type: none"> • Compensation in cash, including the costs of seeding and caring for the plants as well as lost crops, • Enabling harvesting

Impact/loss	PAP specification	Compensation
	Real property illegal possessor	<ul style="list-style-type: none"> • Enabling harvesting
Commune property	Commune	<ul style="list-style-type: none"> • Reconstruction or replacement of destroyed facilities upon consultations with the commune.
Temporary real property occupation	Owners, perpetual usufructuaries, owner-like possessors of real property	<ul style="list-style-type: none"> • Cash compensation, • Recovering the real property to its initial condition.
	Illegal possessor of real property	<ul style="list-style-type: none"> • Recovering the real property to its initial condition
	Lessees, real property usufructuaries	<ul style="list-style-type: none"> • Cash compensation, • Recovering the real property to its initial condition.

A detailed catalogue of the eligibility of persons entitled to compensation is provided in Appendix No 1 hereto. Nevertheless, this appendix shall not be disclosed due to the personal data protection.

9 Social consultations and participation of society

When planning the participation of the society in connection with preparation and implementation of RAP it is important, that the preparation of the Task is an activity spread in time, therefore, all needs and stakeholder situation, especially persons affected by the physical displacement will not change during implementation of RAP. For this reason, the process of consultation and participation of the society in the development and implementation of RAP should be treated as continuous and spread in time process, whose correct implementation will let to minimize the negative impacts of the Project on the affected persons and to minimize all risks connected with the potential social conflict, especially all risks regarding the blocking of the Task implementation by PAP.

The local population has been so far informed on the planned Contracts by means of announcements posted on the websites of the Voivodeship Office and on public notice boards in the places where a given Task was to be fulfilled. The local population has been informed on filing an application for issuing IPIP by PIU, on issuing IPIP and on the options of appealing against such a decision. PAP holding real properties within the Task fulfilment area have also been notified in writing (by means of a letter sent by traditional post) on the aforementioned circumstances.

During the process of the initial identification of the stakeholders participating in the Project development, the following entities were identified as having the influence on the preparation and implementation of RAP:

Exterior stakeholder	Type of impact on RAP
Ministry of Infrastructure and Development	<ol style="list-style-type: none"> 1. Consideration of appeal against IPIP 2. Consideration of appeal against the decision regarding amount of the compensation
Lubuski Voivode	<ol style="list-style-type: none"> 1. Issuance of IPIP 2. Issuance of decision about amount of the compensation
Ślubice Starost	<ol style="list-style-type: none"> 1. Issuance of expropriation decision 2. Assistance in identification of needs of local community 3. Direct participation in public consultations
Ślubice Mayor	<ol style="list-style-type: none"> 1. Issuance of a decision on the location of a public purpose investment 2. Representation of Ślubice commune as the entity being subject to expropriation 3. Information about public consultations 4. Direct participation in public consultations
Mayor of Frankfurt (Oder)	<ol style="list-style-type: none"> 1. Information about public consultations 2. Direct participation in public consultations
Ślubice Town Council	<ol style="list-style-type: none"> 1. Information about public consultations 2. Direct participation in public consultations

Exterior stakeholder	Type of impact on RAP
Drzecin village administrator	<ol style="list-style-type: none"> 1. Information for local community about the Project 2. Assistance in identification of needs of the interested community and local community 3. Assistance in solving the potential conflicts between investor and PAP 4. Representation of Drzecin village community in the RAP implementation process 5. Direct participation in public consultations
Nowy Lubusz village administrator	<ol style="list-style-type: none"> 1. Information for local community about the Project 2. Assistance in identification of needs of the interested community and local community 3. Assistance in solving the potential conflicts between investor and PAP 4. Representation of Nowy Lubusz village community in the RAP implementation process 5. Direct participation in public consultations
Świecko village administrator	<ol style="list-style-type: none"> 1. Information for local community about the Project 2. Assistance in identification of needs of the interested community and local community 3. Assistance in solving the potential conflicts between investor and PAP 4. Representation of Świecko village community in the RAP implementation process 5. Direct participation in public consultations
Entities being subject to expropriation	<ol style="list-style-type: none"> 1. Participation in inventory taking 2. Description of needs and losses in connection with planned expropriation 3. Selection of compensation form 4. Direct participation in public consultations
Residents of Słubice, Nowy Lubusz, Drzecin	<ol style="list-style-type: none"> 1. Direct participation in public consultations

Expropriation of real property for the needs of the Task fulfilment took place in 2014 – prior to the conclusion of the Loan Agreement and introduction of a requirement for adhering to the Policy OP 4.12 Involuntary Resettlement. Nevertheless, the process of informing PAP on the Contract implementation and their rights was agreed with the World Bank and conducted in the manner compliant with the requirements of the World Bank.

PAPs were informed in the planned fulfilment of the Task on the day of 16.05.2011 through posting information on the planned project implementation on the notice board at the City Office in Słubice, notice board in the place of the planned project and public list of data www.gorzow.rdos.gov.pl. In connection to the administrative process carried out, aimed at issuing consent to the project, there were public negotiations held lasting 21 days, as part of which it was possible to file comments and motions concerning the project. The population was informed on consultations by means of an announcement of 02.09.2011 sign WOŚ-II.4233.12.2011.AN posted at www.gorzow.rdos.gov.pl and on the notice board of Słubice City Office. There were no comments or motions filed in this procedure. Owners and perpetual usufructuaries were re-informed individually on the project and planned

expropriation by means of a letter of 10.09.2013 sign IB-II.7840.150.2013.JM and by means of an announcement posted on the notice board of Słubice City Office and at the website of the Commune. In addition, information on initiating the expropriation proceedings was provided on 24.09.2013 to the District Court in Słubice so that each prospective acquirer of the real property under expropriation was aware of the planned real property expropriation. PAPs were informed on the possibility of becoming familiarised with the documentation by means of the letter of 09.01.2014, including the Construction Design and real property division projects as well as on the possibility of filing comments and motions. After issuing IPIP, all the persons whose real property was expropriated were informed on issuing IPIP and on the possibility of appealing against this decision, the method of submitting an appeal and on the body competent for considering such an appeal.

Additionally, it shall be added, that the information on the Task fulfilment and the progress of administrative procedures was submitted by the Investor to the local press (e.g. <http://www.gazetalubuska.pl/wiadomosci/slubice/art/7892278,slubice-waly-pojda-do-remontu,id,t.html>; <http://www.gazetalubuska.pl/wiadomosci/slubice/art/7954828,slubice-krok-do-przodu-na-walach,id,t.html>). It allowed to guarantee that each PAP will receive information on the Task and the investment process progress stage and will treat the information on the planned expropriation received individually with due diligence and then on the process connected with the establishment of compensation.

Then, the Investor by means of letter individually sent to respective PAPs, informed on the commencement of negotiations concerning the compensation amount. In the cases where the parties did not agree on the compensation amount, the amount of compensation will be determined by means of proceedings before Lubuski Voivode based on the independent and objective appraisal made according to the valid RAP provisions.

After completion of the works on draft of the RAP and obtaining acceptance of the World Bank to start the public disclosure procedure, there was meeting open to all the interested parties in Słubice (20.02.2017). A final document, upon having obtained the World Bank's No Objection Clause for the RAP draft, shall be made available to the interested parties until the Project implementation is completed.

The community was informed about the public announcement of the RAP draft and planned date of the public debate regarding the RAP draft, and also about the possibility of complaints and motions regarding the RAP draft, by

- placing the information about consultancy meetings on the website of PIU,
- placing the information about consultancy meetings on the website of Słubice District Governor's Office and PCU,
- announcement in "Gazeta Wyborcza – dodatek zielonogórski i gorzowski",
- placing the information about the consultancy meetings on the notice board of the LZMiUW in Zielona Góra and Słubice District Governor's Office,
- individual invitations sent to the Lubuski Voivode, Starost of Słubice Powiat, Mayor of Słubice, Słubice District administration, Słubice District council President and Słubice District council, the village head of Drzecin and "Stowarzyszenia Miłośników Ziemi Słubickiej"..

Public consultation lasted 21-working days to allow all interested parties to get familiar with draft of RAP and submit comments. Hard copy of the document was also provided and made available to all interested parties in the period between 26.01.2017 and 16.02.2017 (21

calendar days) at the offices of LZMiUW in Zielona Góra (ul. Ptasia 2B, 65-514 Zielona Góra) and at the office of the Słubice District Governor's Office (ul. Piłsudskiego 20, 69-100 Słubice). An electronic version of the document (in Polish and in English) was published on the websites of the Lubuski Board of Amelioration and Hydraulic Structures in Zielona Góra, Słubice District Governor's Office and Project Coordination Unit.

Comments to the draft RAP may be submitted in writing form and oral form to LZMiUW (ul. Ptasia 2B, 65-514 Zielona Góra) or by mail to: LZMiUW in Zielona Góra or by e-mail to: slubice@melioracja.lubuskie.pl.

After motion of the public announcement period, there was public discussion (public debate) regarding the RAP in Słubice (20.02.2017). Place and date of the public debate provided in the above mentioned information for the community. In the public debate, society had an option of submitting oral and written comments to the draft RAP in the debate report.

Comments submitted by the community, does not result in making changes to the contents of this RAP.

The Report from the public discussion is provided in Appendix No 6 hereto. Nevertheless, this appendix shall not be disclosed.

10 Complaints management

The rule was accepted, for the RAP project purposes, that PIU will undertake all measures to amicably settle all complaints regarding the Task. Mechanism of the complaints management must be differentiated to provide the integration with the administrative procedures obligatory on different stages of the Task preparation.

10.1 GENERAL MECHANISM FOR COMPLAINTS AND MOTIONS MANAGEMENT

General mechanism for complaints and motions management will be applied for the following complaints and motions:

- a) submitted before the application of the Investor for IPIP ,
- b) submitted after the IPIP issuance and/or the decision about the amount of the compensation for the expropriated property,
- c) submitted during the public consultations regarding the project of RAP,
- d) submitted during IPIP proceedings or the decision about the amount of the compensation directly to the Investor.

With regards to this mechanism, the general rule adopted by the PIU is the right for submission of the complaint or motion regarding the Task for each person, irrespectively that his property, rights or assets are placed on the area designed for the implementation of the Contract.

Submission of the complaints and motions is free. Additionally, the person who submits the complaint or conclusion cannot be exposed to any harms or allegation, because the fact of the submission.

All complaints and motions can be submitted to the report in the written, electronic or oral form. They can be submitted directly to the LZMiUW, send by regular mail to LZMiUW (Ptasia Street 2B, 65-514 Zielona Góra) or by electronic mail: slubice@melioracja.lubuskie.pl.

All complaints and motions will be archived in a separate register, with the submission dates, response dates and examination manners.

If the examination of the complaint or conclusion will need examination and explanation of the case, all needed materials will be collected and all necessary analysis will be performed, etc. In such case, the response for the complaint or conclusion will be given within 14 days from its submission to the LZMiUW . In case, when the explanatory proceeding will not be needed, the response for the complaint or conclusion will be given within 7 days from its submission.

In case of very complicated matters and in cases, when the examination of the complaint or conclusion will need to make any changes in the RAP project, the term of the response for the complaint or conclusion will be extended up to 30 days. If such a term is too short, the interested party will be informed about the reason that the substantive response could not be given within this term and provided with the new term, during which such response will be given.

In case of the negative settlement of the case, the person submitting the complaint or conclusion will be comprehensively informed about the reasons of the negative settlement of the case.

Schema of the general mechanism of the complaints and motions management is presented below:

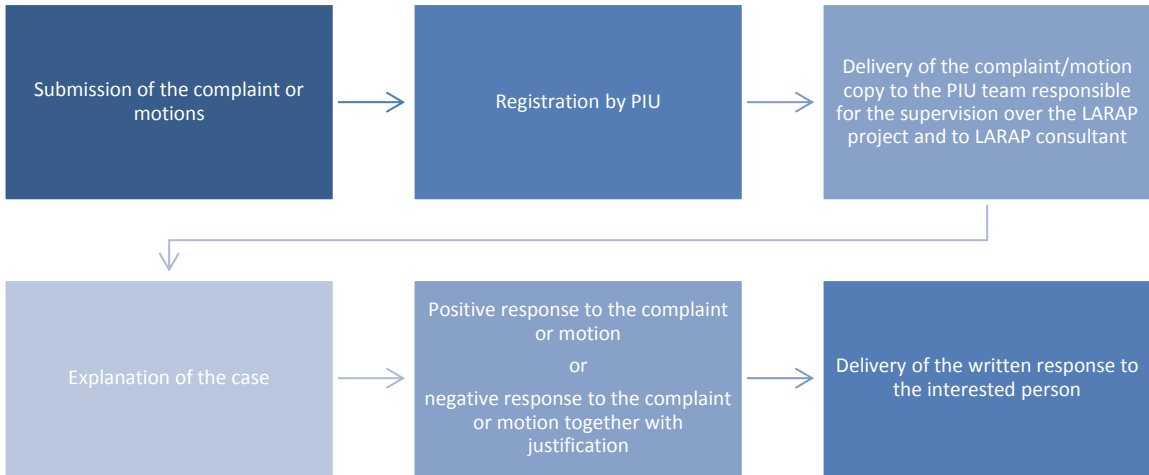


Figure 2 - Schema of the general mechanism of the complaints and motions management

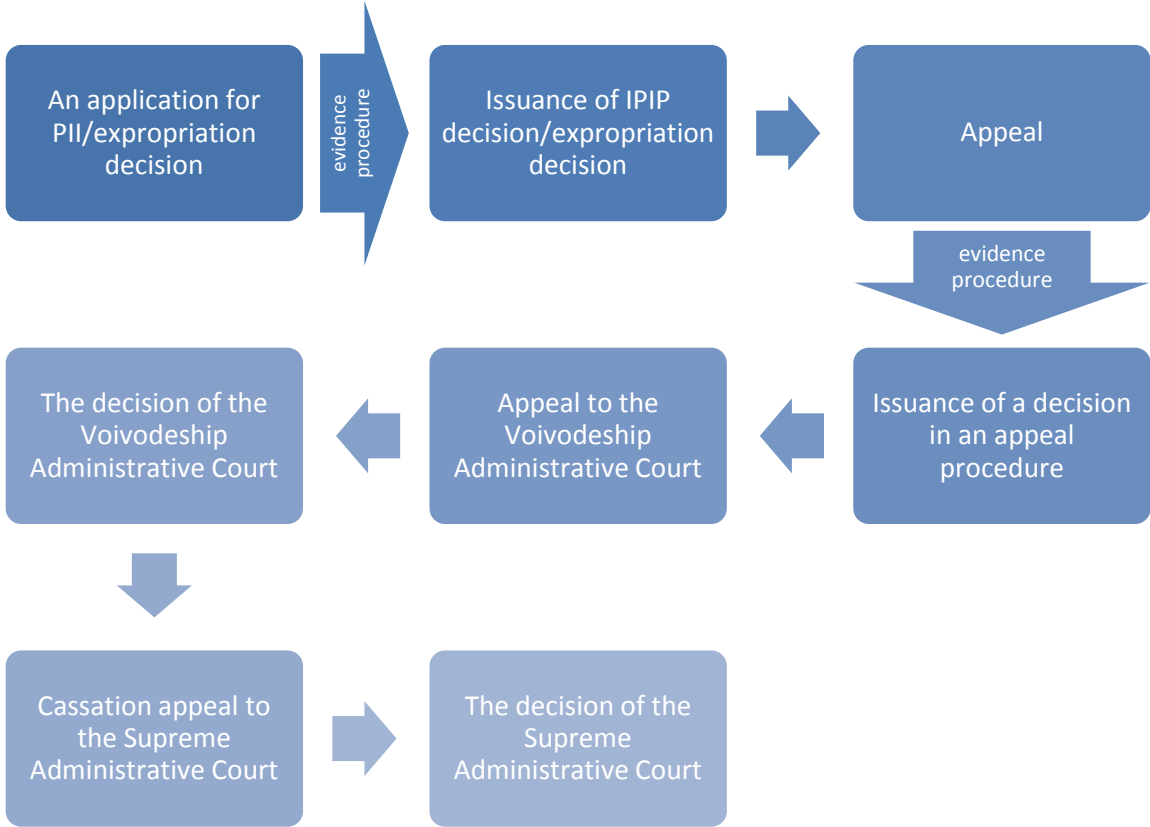
10.2 GENERAL MECHANISM FOR COMPLAINTS AND MOTIONS MANAGEMENT

As the final IPIP has already been issued for the Task, detailed mechanisms of appeals and applications management shall be related with the procedure concerning determining compensation for lost right to real property and related assets. They shall be applied during negotiations on determining the compensation as conducted, after issuance of IPIP, in the procedure on issuing by Lubuskie Voivode a decision on the amount of compensation and court cases concerning IPIP and compensation.

Should the parties be dissatisfied with the decision issued by the voivodeship governor, they will have the right to appeal to the minister competent for construction. All statements, motions and evidence submitted in the proceedings before the minister responsible for construction will need to be taken into account when issuing the decision on compensation.

In case of dissatisfaction with the decision of the minister the parties enjoy the right to submit an appeal to the competent Voivodeship Administrative Court, within the term of 30 days from the moment of receiving an extract of the decision. The Court shall examine if the voivode and the minister have conducted the procedure in a relevant and reliable manner, including in the scope of taking into account remarks, motions and evidence reported by the parties to the procedure. In accordance with binding legal regulation, the appeal is subject to the court fee in the amount of PLN 500. Moreover, the losing party is obliged to refund to the other party the cost of court proceedings.

In case when the decision of the Voivodeship Administrative Court is not satisfactory to a party, they enjoy the right of the cassation appeal to the Supreme Administrative Court. The said court shall examine not only the correctness and legality of the procedures run by the voivode or the minister, but also the decision of the Voivodeship Administrative Court. The cassation appeal is subject to court fee in the amount of PLN 250. Moreover, the losing party is obliged to refund to the other party the cost of court proceedings.



Drawing 3 - Appeal management schedule at the stage of IPIP and decision on expropriation

Reservations reported by the Parties at the stage of negotiations shall be archived in the reports on negotiation meetings. The reports and other documents as mutually sent by the parties during negotiations, provided that the agreement as to compensation is not reached, shall be handed over to the Lubuskie Voivode. The said documents, along with the appraisal report shall constitute basis to issue the decision determining the amount of compensation.

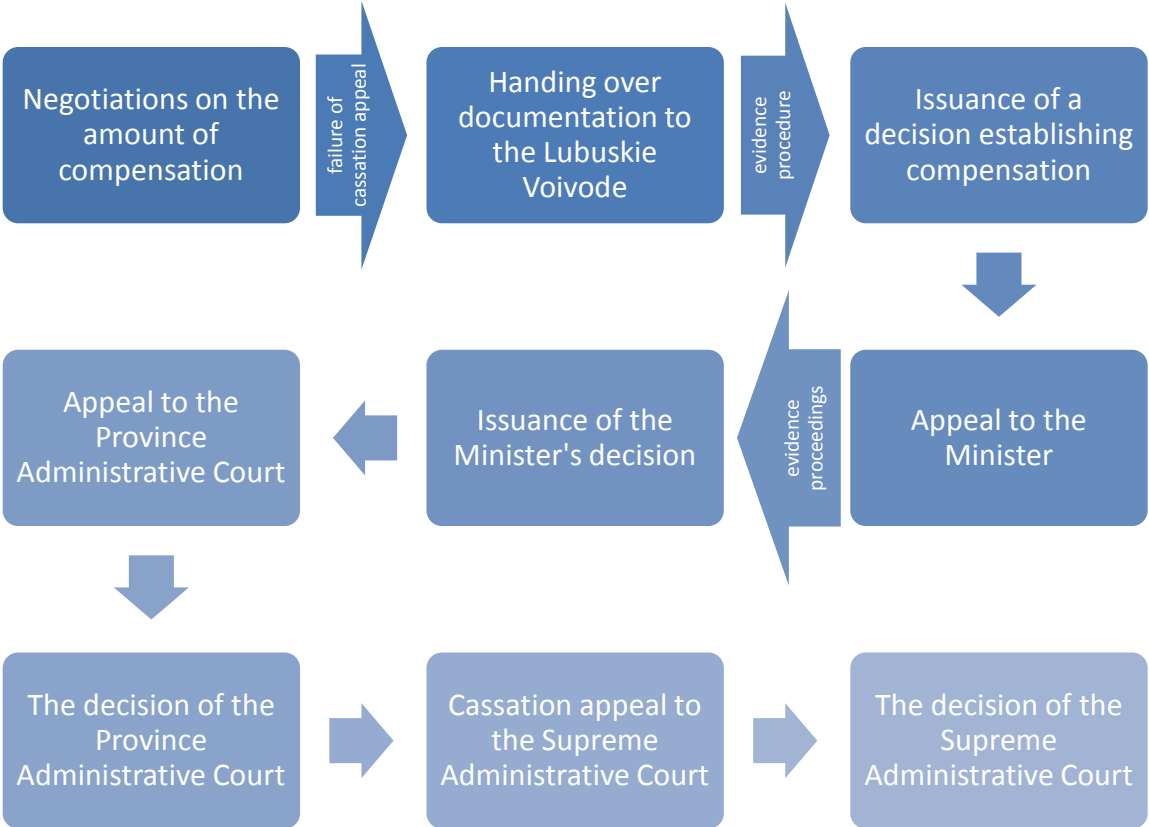
The parties participating in the procedure concerning establishment of compensation enjoy the right to free of charge active participation in this procedure and to submit remarks and motions. The remarks and motions are submitted directly to the entity running the procedure. In case when a given remark or motion requires an answer on the part of the Investor, they shall immediately present their opinion in the case and hand it over to competent body. The answers of the Investor shall be served via the body running the procedure.

After Lubuskie Voivode grants a decision on determining the amount of compensation the parties that are dissatisfied with the decision enjoy the right to appeal against it to a relevant

minister responsible for construction matters. Any statements, motions and evidence submitted in the procedure before the minister responsible for construction matters will have to be taken into account by him/her when determining the amount of compensation.

In case of lack of satisfaction with the decision of the minister, the parties enjoy the right to submit an appeal to the Voivodeship Administrative Court. The Court shall examine if the voivode and the minister have conducted the procedure in a relevant and reliable manner, including in the scope of taking into account remarks, motions and evidence reported by the parties to the procedure. In accordance with binding legal regulation the appeal is subject to the court fee in the amount depending on the value of the claim subject. Moreover, the losing party is obliged to refund to the other party the cost of court proceedings.

In case when the decision of the Voivodeship Administrative Court is not satisfactory to a party, they enjoy the right of the cassation appeal to the Supreme Administrative Court. The said court shall examine not only the correctness and legality of the procedures run by the voivode or the minister, but also the decision of the Voivodeship Administrative Court. Cassation appeal is subject to fee in the amount depending on the value of the claim subject. Moreover, the losing party is obliged to refund to the other party the cost of court proceedings.



Drawing 4 - Mechanism of claim management at the stage of issuing the decision on the amount of compensation (after issuance of IPIP)

10.3 MECHANISM OF SUBMITTING COMPLAINTS AND MOTIONS CONCERNING THE PERFORMANCE OF THE CONTRACT FOR WORKS

Mechanism of submitting complaints and motions concerning construction and installation works carried out by the Contractor shall be implemented at the beginning of the entire process and shall be binding throughout the implementation, operation and conclusion of the Investment.

10.3.1 Acquiring real properties on the basis of the Special Flood Act

A complaint or a motion may be submitted by a party in one of the following three locations:

1. Directly at the Project Office which will function as a consulting centre:

Office of the Engineer-Consultant:

.....

....., Poland

2. Directly in the seat of the Ordering Party:

Lubuski Board of Amelioration and Hydraulic Structures

ul. Ptasia 2B, 65-514 Zielona Góra

3. Directly at the office in the building site (the address of such an office will be provided on the Project website 3 months prior to the commencement of works).

In addition, complaints and motions may be submitted:

- By means of post to the above provided address, or

- Via Internet:

website

e-mail:

- Hot line – complaints may be submitted under the following telephone number:

+48

fax: +48

10.3.2 Due dates for considering complaints and motions

Due dates for considering complaints and motions:

- confirmation of being served with a complaint drawn-up in writing: within 7 days of the incoming date of a complaint.
- proposed solutions: within 30 days of the incoming date of a complaint.

The rules for considering complaints and motions, referred to in item 10.2, shall be binding also in the case of such complaints.

The mechanism of considering complaints is presented in Figure 3.

Proposed form of complaint registration is presented in Appendix 15.1.

10.3.3 Persons responsible for considering complaints and motions

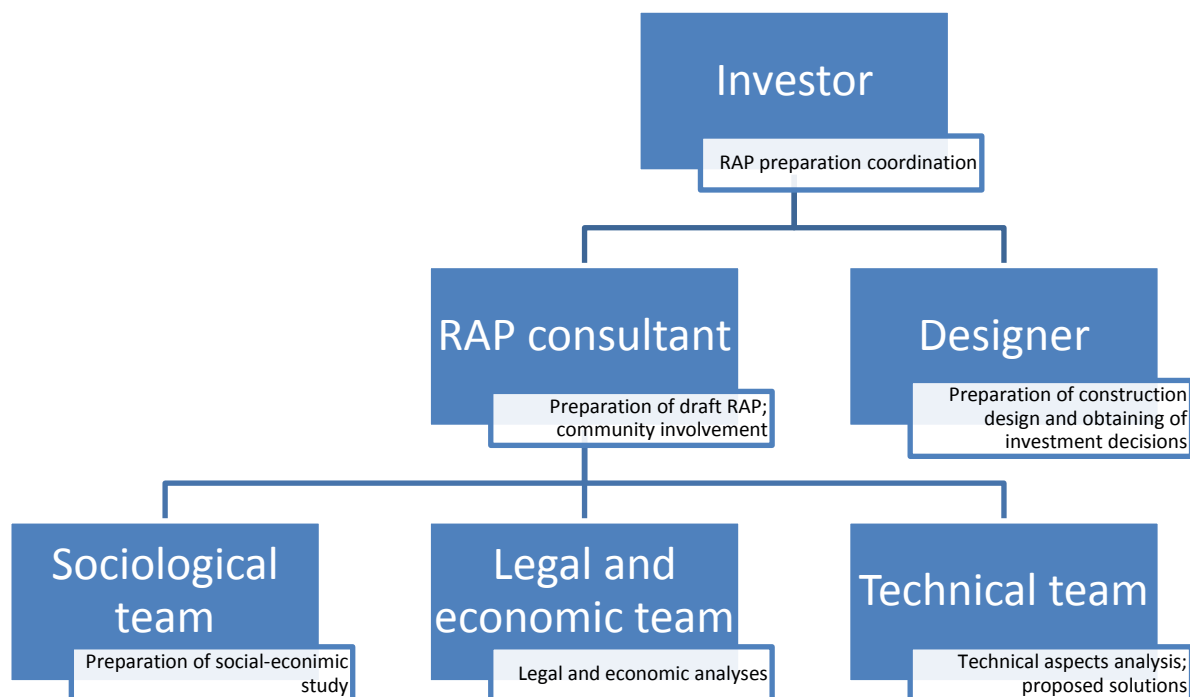
A unit (Community Consultant) will be appointed within the Project organisational structure which will be responsible for contacting the society and processing social complaints. This unit shall also include one person from the Consulting Engineer's team with competences and experience needed within this scope.

10.3.4 Audits and independent appeal mechanism

It is anticipated to conduct periodical (once per six months) internal audits of the effectiveness of the "mechanism of complaints and grievances" for the purpose of assessing the effects of the system implemented.

11 Institutional structure and implementation team

The institutional structure of the team preparing this RAP is presented in the diagram below:



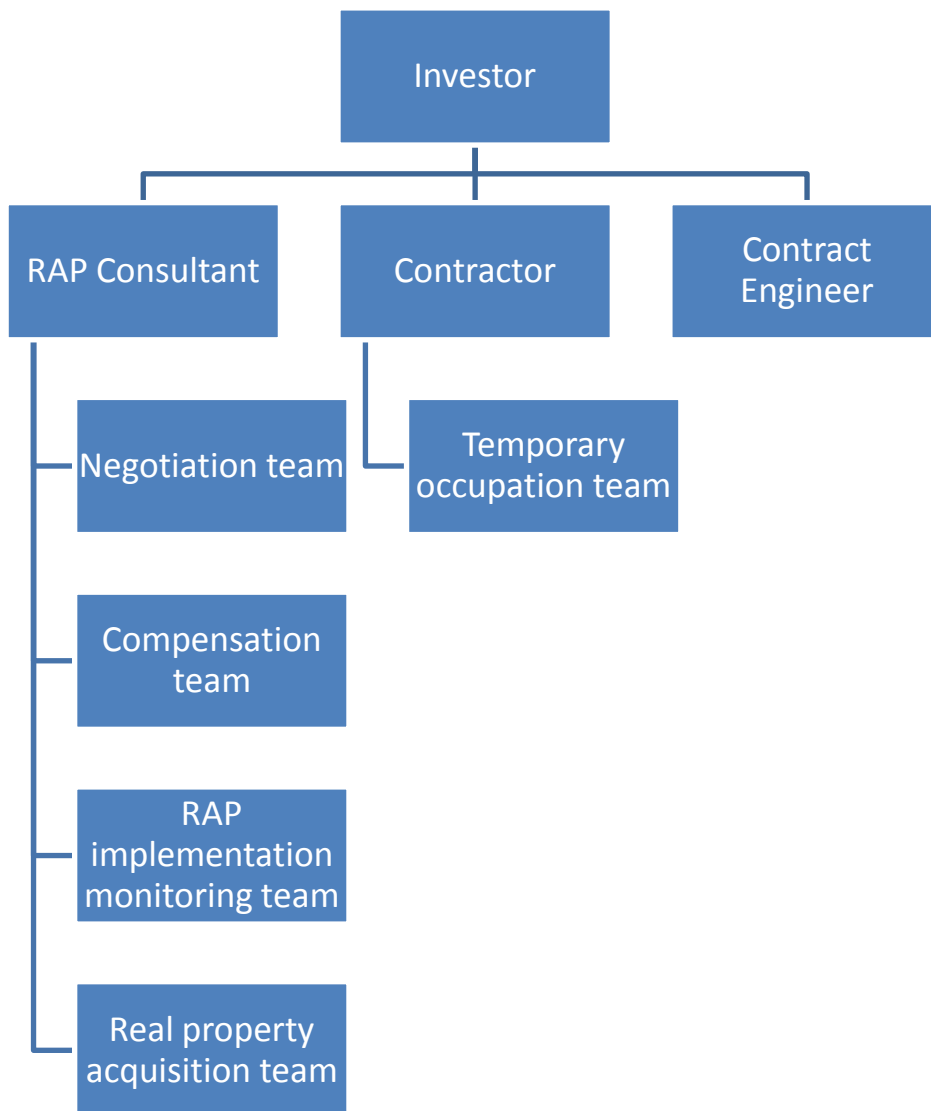
RAP Consultant for this RAP is JV Sweco Consulting Sp. z o.o./ Sweco Nederland B.V./ Artelia Ville & Transport SAS/Artelia Sp. z o.o./EKOCENTRUM Sp. z o.o./

The scope of competences of RAP preparation team is as follows:

1. Investor: coordination of RAP preparation:
 - a. Facilitating supervision over RAP preparation,
 - b. Ensuring information exchange between RAP Consultant and Designer,
 - c. Ensuring the introduction to CD of changes arising in the course of preparing RAP,
 - d. Conducting public consultations,
 - e. Monitoring the process of RAP preparation.
2. RAP Consultant – draft RAP preparation:
 - a. Conducting social-economic survey and preparation of social and economic study,
 - b. Collection and analysis of data concerning the development and usufruct of real property,
 - c. Designing the plan of community involvement and public consultations; coordination of public consultation process,

- d. Preparing the proposal for impact minimization and technical analysis of such proposals; submitting change proposals concerning the construction design (CD) to the Investor,
 - e. Eligibility analysis,
 - f. Preparation of compensation packages,
 - g. Preparation of draft RAP document.
3. Designer:
- a. Preparation of CD,
 - b. Obtaining administrative decision, including environmental decision and IPIP,
 - c. Technical analysis of proposed changes in CD presented by the Consultant.

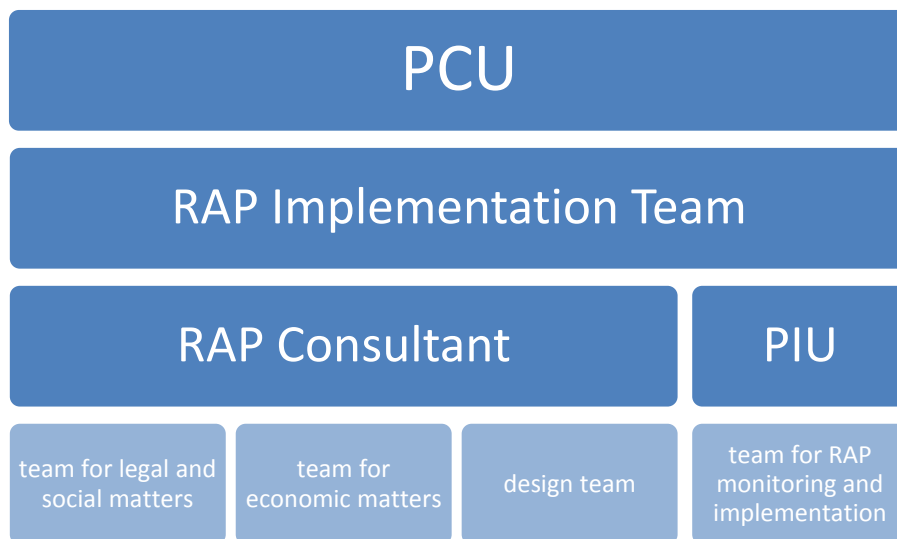
RAP preparation team on the part of RAP Consultant is not included in the Investor's organizational structure.



The scope of competences of RAP implementation team is as follows:

- 1. Investor:
 - a. Facilitating supervision over RAP implementation,
 - b. Concluding agreements on compensation,

- c. Disbursement of compensation,
 - d. Ensuring information transfer between RAP Consultant, Engineers and Contractor.
 - e. Taking the real property over.
2. RAP Consultant:
 - a. Planning negotiations and participation in negotiations,
 - b. Verification of valuations conducted by expert appraisers,
 - c. RAP implementation monitoring by the Contractor and Engineer,
 - d. Proposing remedial activities in the event of problematic situations,
 3. Engineer:
 - a. Supervision of the commencement and performance of works,
 - b. Supervision over the fulfilment of obligations by the Contractor.
 4. Contractor:
 - a. Obtaining real properties for temporary occupation,
 - b. Disbursement of compensation for the real properties acquired for temporary occupation,
 - c. Performance of works on the real property under permanent occupation,
 - d. Recovery of real properties acquired for temporary occupation to the condition prior to the Task implementation.
 5. PCU



12 Monitoring and evaluation

Monitoring of the RAP implementation is the integral part of the Contract monitoring and management system. For this reason, for the needs of the RAP implementation monitoring will be used the tools for Contract implementation monitoring that is used for reporting to the financial institutions and providing actual information about the problems, random events and irregularities. RAP constitutes an integral part of the investment process, allowing for immediate response in a situation of discovering problems or any irregularities. Provision of the proper communication between Consultant, PIU and PCU. Diagram of the information flow within the monitoring is presented below.

General monitoring and assessment procedures are described in detail in the following document: Land Acquisition and Resettlement Action Framework (LARAF) available at:

http://www.odrapcu.pl/doc/OVFMP/Ramowy_dokument_dotyczacy_Przesiedlen_i_Pozyskiwania_Nieruchomosci.pdf.



The capital role for RAP implementation monitoring plays registration process of events and facts by the Consultant and PIU, especially through the correspondence register, register for

progress of real properties acquisition for the construction purposes and register for progress of the compensation payments. All data included in such registers is taking into consideration during preparation of the data lists, e.g. number of acquired properties and amount and type of the compensations, according to Annex No. 3.

All changes are registered in the registers. On the basis of the above mentioned registers, the following parameters are monitored:

- a) number of properties for expropriation and expropriated,
- b) number of persons for displacement and displaced,
- c) number of properties for temporary acquisitions (planned and realized),
- d) amount of all expenses needed for displacement process (planned and realized),
- e) paid compensations for loss of the real property legal title,
- f) paid compensations for loss of the income sources,
- g) acquired and given convertible real properties,
- h) degree and status of the protecting activities,
- i) number of complaints,
- j) number of examined complaints.

Such formed RAP implementation monitoring system allows for quick reactions in case of problems and for proper reporting within the existing Contract management systems. Document will be amended once in a quarter.

Key indicators which will be monitored in reference to Contract fulfilled by LZMiUW:

Indicator	Information source	Monitoring frequency	Progress indicator
Assumed parameters			
Number of real properties subject to expropriation	IPIP Decision	One time upon issuing the decision	Quantity (pcs.)
Number of real properties subject to permanent limitation	IPIP Decision	One time upon issuing the decision	Quantity (pcs.)
Number of PAP	Land and Mortgage Register, excerpted from land register, IPIP decision	One time upon issuing the decision On-going updating in the period of determining and disbursing compensation	Number
Amount of all the expenditures on compensation (planned)	Registers of LZMiUW / Consultant	Monthly/Quarterly	PLN
Quantity of acquired real properties	Registers of LZMiUW / Consultant	Monthly/Quarterly	Quantity (pcs.)

Achieved parameters			
Amount of all the expenditures on compensation (expenditures)	LZMiUW financial registers	Monthly/Quarterly	PLN
Quantity of acquired real properties	Registers of LZMiUW / Consultant	Monthly/Quarterly	Quantity (pcs.)
Effectiveness indicators			
Number of complaints	Registers of LZMiUW / Consultant	Monthly/Quarterly	Quantity (pcs.)
Number of examined complaints	Registers of LZMiUW / Consultant	Monthly/Quarterly	Quantity (pcs.)
Compensations disbursed, other	LZMiUW financial registers	Monthly/Quarterly	PLN

NOTE: The process of acquiring real properties for temporary occupation shall not be monitored by the Ordering Party which will be the sole obligation of the Contractor.

13 Costs and budgets

Item	Unit	Price	Quantity	Total
Land within the boundaries of the investment (including cultivation, planting and infrastructure)	Square meter	-	496 170	8 010 820
TOTAL				8 010 820,00 PLN

In the year 2015, part of the owners received compensation for the total amount of PLN 3 000 000 (for 13 properties - the whole amount of compensation, and for 23 properties belonging to public entities - the first tranche), whereas in the year 2016, part of the owners received compensation for the total amount of PLN 5 005 893 (for 30 properties - the whole amount of compensation, and for 23 properties belonging to public entities - the second tranche). The amount of approx. PLN 4 927 (for 2 properties - the whole amount of the compensation) still remains to be paid. The owner appealed against the decision determining the amount of compensation because the decision was delivered to the wrong address. A new appraisal report will be created, because the previous one has expired.

Estimate values of the costs specified above have been prepared on the basis of average market prices for real properties on the analysed area, determined based on the selling prices for agricultural and building plots for the analysed area, offered on Internet portals dealing in real property selling. The said values have been indicated for the budgeting needs and they may be subject to changes after preparing appraisals.

14 RAP IMPLEMENTATION SCHEDULE

Particular steps necessary for preparation and implementation of, in accordance with LARPF are presented below. Detailed schedule in this scope is included in the Appendix no. 2 hereto.

RAP DEVELOPMENT			
Steps	Action	Responsibility	Verification
1	Preliminary assessment of the Task's social impact	Consortium - Law and Social Matters Team	LZMiUW – RAP verification team
2	Establishing the final scope of expropriation and drawing up a building permit design	DHV Hydroprojekt „ŚRODOWISKO” Bartłomiej Szendel	LZMiUW – RAP verification team
3	Specifying the frames in the scope of RAP implementation with relevant government administration bodies	Consortium - Law and Social Matters Team	LZMiUW – RAP verification team
4	Collecting extracts and map extracts from the land registers and building registers and spatial area development plans	Consortium - Law and Social Matters Team	LZMiUW – RAP verification team
5	Assessment of the Task's social impact	Consortium - Law and Social Matters Team	LZMiUW – RAP verification team
6	Verification and update of collected materials, impact analyses and economic analyses	Consortium - Law and Social Matters Team	LZMiUW – RAP verification team
7	Drawing up a draft RAP	Consortium - Law and Social Matters Team, Design Team	LZMiUW – RAP verification team
8	Social consultations of RAP	Consortium - Law and Social Matters Team	LZMiUW – RAP verification team
9	Introduction of changes resulting from social consultations to the building permit design	WS Projekt Usługi Projektowe Walerian Siemiński	LZMiUW – RAP verification team
10	In the scope resulting from taking into account remarks and motions of RAP - verification and update of collected materials, impact analyses and economic analyses	Consortium - Law and Social Matters Team	LZMiUW – RAP verification team

RAP DEVELOPMENT

Steps	Action	Responsibility	Verification
11	In the scope resulting from taking into account remarks and motions of RAP	Consortium - Law and Social Matters Team	LZMiUW – RAP verification team
12	Making RAP public	Consortium - Law and Social Matters Team	LZMiUW – RAP verification team
13	Submitting RAP to the World Bank	LZMiUW	PCU

IMPLEMENTATION OF RAP

Steps	Action	Responsibility	Verification
1	Establishing a detailed schedule of RAP implementation	RAP Consultant -Law and Social Matters Team	LZMiUW – RAP monitoring and implementation team
2	Submitting an application for IPIP	Designer	LZMiUW – RAP monitoring and implementation team
3	Acquiring by PIU real properties that may be handed over as swap real properties	RAP Consultant -Law and Social Matters Team	LZMiUW – RAP monitoring and implementation team
4	Obtaining IPIP	Designer	LZMiUW – RAP monitoring and implementation team
5	Handing over to the PAP implementation information on obtaining IPIP and its consequences and planned further actions of the Investor	RAP Consultant -Law and Social Matters Team	LZMiUW – RAP monitoring and implementation team
6	Valuation of real properties by appraisers, in accordance with binding regulations and price verification	RAP Consultant -Law and Social Matters Team, Economic Matters Team	LZMiUW – RAP monitoring and implementation team
7	Delivering to expropriated people prepared property appraisal reports and negotiations	RAP Consultant -Law and Social Matters Team, Economic Matters Team	LZMiUW – RAP monitoring and implementation team
8	In case of negotiations' failure - obtaining a decision of the Voivode on the amount of compensation	RAP Consultant -Law and Social Matters Team	LZMiUW – RAP monitoring and implementation team

IMPLEMENTATION OF RAP

Steps	Action	Responsibility	Verification
9	Payment of compensations or handing over swap real properties, start of implementation of other compensation and mitigation actions as planned in RAP	RAP Consultant -Law and Social Matters Team	LZMiUW – RAP monitoring and implementation team
10	Physical taking over of expropriated real properties and commencement of works	Contractor	LZMiUW – RAP monitoring and implementation team
11	RAP implementation evaluation	RAP Consultant -Law and Social Matters Team, Economic Matters Team	LZMiUW – RAP monitoring and implementation team

CYCLICAL TASKS

Step	Action	Responsibility	Verification
1	Internal constant monitoring of RAP implementation	RAP Consultant -Law and Social Matters Team	LZMiUW – RAP monitoring and implementation team
2	Reporting to the World Bank	LZMiUW – RAP monitoring and implementation team	PCU
3	Constant coordination with government and regional self-government administration bodies	LZMiUW – RAP monitoring and implementation team	PCU
4	Constant communication with PAP	RAP Consultant -Law and Social Matters Team	LZMiUW – RAP monitoring and implementation team

POST IMPLEMENTATION TASKS

Step	Action	Responsibility	Verification
1	RAP implementation evaluation	Independent external auditor	World Bank

15 Appendices

15.1 FORM FOR SUBMITTING COMPLAINTS TO THE CONSULTANT (BASED ON THE WB GUIDELINES)

Case Ref. No:	
Name and surname <i>Note: a complaint may be submitted anonymously or an applicant may demand not disclosing its personal details to any unauthorised persons without such an applicant's consent</i>	Applicant's name _____ Applicant's surname _____ <input type="checkbox"/> I want to place a complaint anonymously <input type="checkbox"/> I demand not disclosing my personal details without my consent
Contact details Please indicate how to contact the Applicant (by e-mail, telephone, post)	By means of post (please provide a correspondence address): _____ _____ _____ By telephone: _____ By e-mail: _____
Preferred communication language	Polish German English Other (please provide such a language)
Description of the object of a case or complaint	
Object of a case / complaint, date of occurrence, location, people involved, effects	
_____ _____	
Date of the occurrence of the object of a complaint / case	_____
Single occurrence/complaint (date _____) Occurred more than once (provide the number: _____) Pending (existing problem)	
_____ _____	
According to the Applicant, what activities would ensure solving such a problem?	
_____ _____	
Signature: _____ Date: _____	

Please submit this form to:	[Surname]	OHS Inspector	[Company name]
Address	Phone: _____	or E-mail: _____	

15.2 TABLE - THE LIST OF PROPERTIES

Appendix No 1 - This table is attached in an electronic version on a CD. This appendix shall not be disclosed.

15.3 PROPERTY ACQUISITION SCHEDULE

Appendix No 2 - This schedule is attached in an electronic version on a CD.

15.4 TABLE OF MONITORING A PROPERTY ACQUISITION

15.5 APPENDIX No 3 - THIS TABLE IS ATTACHED IN AN ELECTRONIC VERSION ON A CD. MAPS WITH DEMARCATION LINES ON THE INVESTMENT AREA (13 SHEETS)

Appendix No 4 - The said maps are attached in an electronic version on a CD.

15.6 DRAWING – LOCATION OF TASK

Appendix No 5 - Attached in an electronic version on a CD.

15.7 REPORT ON THE PUBLIC DISCLOSURE

Appendix No 6 – This report is attached in an electronic version on a CD. This appendix shall not be disclosed.